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ENGLAND IN THE FIFTEENTH CENTURY.

By the Rev. W. DENTON.

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COMMENTARY ON THE ACTS OF THE APOSTLES. 2 vols.

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ENGLAND IN THE FIFTEENTH CENTURY.

BY THE

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PREFACE.

THE subject of this book is one in which the author felt the keenest interest and pleasure, and the amount of labour bestowed upon it is only faintly suggested by the large number of authorities he cites throughout the following pages. He lived long enough to finish the volume, and died whilst the last few proof-sheets were in his house awaiting revision. It had been his original intention to publish two series, each complete in itself. For the latter, in which he proposed to sketch the ecclesiastical state of England in the fifteenth century, the materials were collected, but only a few pages were actually written. As, however, the present volume is really an independent work, it has been decided to publish it alone.

In a posthumous publication there is always this disadvantage, that where questions of fact or construction arise the voice of the man from whom the answer or explanation would naturally have been expected is silenced. In the present case it is hoped that such questions will be few, since the footnotes to the pages fully indicate the sources whence the materials were collected, and, consequently, the task of appraising and dealing with the deductions and inferences is made proportionately easy.

C. A. DENTON.

February, 1888.

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ENGLAND IN THE FIFTEENTH CENTURY.

INTRODUCTION.

Part I.

Formation of modern English language—Decay of Anglo-Norman—Growth of English spirit—Growth of constitution and parliament—Responsibility of ministers of the crown—Manor and county courts—Legal reforms—Modification of feudal system in England—Prosperity of the people in the reign of Edward I.—Houses—Furniture—Art—Horticulture—Law and lawyers—Statesmen—Scholastic philosophy.

BEFORE the end of the thirteenth century, both the language and political constitution of England had taken their present forms. Grammarians regret that the language had at that time lost somewhat of its force, chiefly through the infusion of words from the Norman French. This loss of force will be forgiven by those who consider that it arose out of the circumstance which strengthened the framework of society, the more perfect union of the two races, the English and the Norman speaking people, of which the nation was mainly composed.[1] At this time almost every distinction between these two, the English people and the descendants of the followers of the Conqueror, had disappeared. In the eye of the law all subjects of the crown living in England were English.[2]

[1] *Old English Miscellany*, preface, ix. (Early Text Soc.); Silas Taylor, *On Gavelkind*, p. 75.

[2] To this fact, that the descendants of the Normans in England had become English and had lost their sympathy with the people of Normandy, Sismondi attributes the ease with which that province was lost to England. "Les peuples qui avaient obéi si long temps aux Anglais se sentaient plus Français qu'à aucune époque précédente, justement parce que leur maîtres étaient plus Anglais."—*Precis Hist. des Français*, t. i., p. 351.

Throughout the land men were bound together by common ties of interest and patriotism, and the English language had again become national.[1] Though French lingered on for a time as the fashionable speech of the upper classes, and Latin was still used in some legal and ecclesiastical documents, the only language known to the bulk of the people was the old tongue of Edgar and of Harold, simplified in its structure, and made more copious by contributions from Normandy and other French possessions of our early sovereigns.[2] With the loss of Normandy the utility of French, except in official writings, ceased.[3] The proceedings of the manorial and county courts were held in English, though their transactions were registered in Latin, strange alike to both lord and tenants.[4] If the baron addressed his retainers, or the landowner spoke to the villeins on his estate—and they could hope for no influence without this—they could do so only by using English. What was always true of the spoken language soon became true of the written language.[5] This was winning its way into general use from the beginning of the thirteenth century, and the ultimate triumph of the speech of England was foreshadowed when, in 1258, Henry III. made use of it in a proclamation addressed to the nation.[6]

Beyond that of other countries the literature of England was essentially vernacular.[7] The effect of the Conquest upon the speech of England was the reverse of what might have

[1] There is no other people known in Magna Carta than the English. The church is *Ecclesia Anglicana*, § 1; the soil is *Anglia*, § 33; and the people *Anglicani*, § 49.

[2] Sir Francis Palgrave's *Hist. England and Normandy*, vol. iii., p. 632.

[3] Thierry in *Conquête d'Angleterre, in fin.*

[4] Warton's *Hist. of English Poetry*, vol. i., pp. 66, edit. Price.

[5] Craik's *Hist. of the English Language*, vol. i., p. 135, ed. 1861. Of the various Teutonic dialects spoken in different districts in England, the East Mercian contributed most to that language which is now known as English.

[6] Henry's *Hist. of England*, vol. viii., in Appendix.

[7] Stubbs' *Constitutional History of England*, vol. i., pp. 442, 547 (first edit.).

been expected. The native literature received an impetus from the success of William. The fact that French was the language of the conquering race made English the dearer to the bulk of the nation. For a time, however, its use was naturally limited to the production of books for the people.[1] They had always been appealed to from the pulpit in English sermons,[2] and devotional works in English had never ceased to be put out for their use, and miracle plays for their instruction and amusement in the same tongue.[3] In the early part of the fourteenth century paraphrases of scripture, lives of saints, the rhyming chronicle, the moral poem,[4] the popular songs, were all written in the speech of the people.[5] Even monks and nuns required English books for their use or recreation.[6] In the century after the Conquest translations of English books into French were in demand, and the history of their adopted country was made familiar to Norman settlers in England by the versions of Gaimar and other translators.[7] Before the end of the thirteenth century all this was changed, a reading or a listening public[8] had grown up, for whom translations from French and Latin were needed.[9] A century, indeed, was to

[1] Freeman's *Norman Conquest*, vol. v., § 3.

[2] *Pet. Blessensis Op.*, t. iv., p. 299 (edit. Giles), *Chron. Josc. de Brakelond* (Camden Soc.), p. 30. "In this vernacular theology England stood alone."—Green's *Conquest of England*, p. 161, *note*.

[3] Warton's *Hist. of English Poetry*, vol. i., pp. 5, 11, 13, 19, 49, 65.

[4] The *Ormulum* is supposed to have been written as early as 1200; the *Cursor Mundi*, 1290 (Early Text Soc.). Rob. de Brunne's *Handling of Sin*, 1303 (Philological Soc.); Hampole's *Prick of Conscience*, 1330 *circa;* Dan Michel's *The Ayenbite of Inwyt*, 1340.

[5] Wright, in Introduction to *Political Songs* (Camden Soc.).

[6] The *Ancren Rewle* was put forth in the thirteenth century. Oliphant's *Standard English*, p. 221; Morton, in preface to *Ancren Rewle* (Camden Soc.).

[7] See *Chroniques Anglo-Normandes*, par F. M. Michel, t. i. (Rouen); *Monumenta Hist. Britannica* (London, 1848); Gaimar's *Anglo-Norman Metrical Chronicle*, ed. Thos. Wright (Caxton Soc., London, 1850).

[8] The two editions of Layamon's translation of Wace's *Bruit d'Angleterre*, the first edition about 1200, the second about 1250, were evidently intended for recitation.

[9] Warton's *Hist. Eng. Poetry*, vol. i., pp. 62, 111, 123. Compare

pass before a great poem should be written in English, and no important prose treatise had been put forth in the language of the people since the days of Alfred. The dawn, however, of a brilliant day was already breaking along the horizon.

The attempts made to preserve the Anglo-Norman dialect as the language of the upper classes showed that such efforts were hopeless. English was the language of the people, who were daily growing in national importance. French, in spite of all attempts to naturalize it, was a foreign tongue, and was taught as such. It needed to be protected lest it should die out from the ordinary use of the upper classes, now these had become English in thought and speech. The steps taken for this end prove the number of those who used French to have greatly declined.[1] Children could no longer acquire that language, nor learn its pronunciation in England. They were sent to France to learn the speech of fashionable society,[2] and students at Oxford were required to construe Latin authors in French, lest they should forget that language.[3] From some cause, difficult now to trace, great encouragement was given to French during the reign of Henry III. Probably the foreign tastes and partialities of the king had something to do with this. Anglo-Norman became the official language, and that which was not attempted at the time of the Conquest was established two hundred years later. English ceased to be used in political and legal documents, and at the moment when the barons had almost given up the use of French, that lan-

Greathead's *Chasteau d'Amour* (p. 3, Philolog. Soc. edit.) with the paraphrase made not later than the beginning of the fourteenth century, but probably earlier.

[1] Higden, *Polychron.*, vol. ii., p. 159.

[2] Warton's *Hist. of Eng. Poetry*, vol. i., p. 5; Turner's *Hist. Eng. in Middle Ages*, vol. v., p. 440 (third edit.).

[3] "Scholares tenentur construere necnon construendo significationes dictionum docere in Anglico et vicissim in Gallico, ne illa lingua Gallica penitus sit omissa."—*Monumenta Acad. Oxon.*, p. 438 (Rolls Series). "In 1271 the statutes of Merton College direct the students to use Latin in conversation; in 1328 the statutes of Oriel require them to speak Latin, vel saltem Gallico."—Hallam's *Introduction to Lit. Hist.*, vol. i., p. 49 (ed. 1872).

guage superseded English as the written language of the court and of political life.[1] That it was clung to as a distinguishing mark of gentility proves that its use by the people had ceased, whilst the result of this attempt to give official recognition to the French language tended to diminish the use of Latin more than to hinder the progress of English.[2]

All efforts made in favour of French were of no avail. They were frustrated by the course of political events. When Rouen ceased to be the capital of the kings of England,[3] and the court had taken up its residence in London, it was inevitable that the speech of London should become the speech of the court as well as that of the people. The last popular song in French or Anglo-Norman which has been preserved was written in the reign of Edward II.[4] In 1362 parliament was opened by a speech in English; courts of law were at the same time directed to hold their proceedings in the common language of the people[5] and in no other, "because," as the statute goes on to say, "the French tongue is much unknown in the realm."[6]

[1] During the reign of William I. "we have no example of any pleadings in the courts of judicature in French, of any deeds or charters drawn in the same language, or any laws composed in that idiom. Until the reign of Henry III. English continued in continuous use, and the last example of its employment is found in the very reign of Henry III. when we find the first employment of the French tongue."—Palgrave's *England and Normandy*, vol. iii., p. 628.

[2] Craik's *Hist. of the English Language*, vol. i., p. 96.

[3] "Rouen était la résidence plus habituelle des rois d'Angleterre et bien plus que Londres la capitale de leur monarchie; mais Jean l'avait abandonnée et s'était enfui dans son île."—Sismondi, *Precis Hist. des Français*, t. i., p. 215.

[4] Wright, in Introduction to *Political Songs* (Camden Soc.) and in Introduction to *Political Songs from Edward III. to Richard III.* (Rolls). Gower, however, who died in 1408 at a great age, wrote his first poem in French, his second in Latin, his third, the *Confessio Amantis*, in English. In 1404 the English envoy to France urged that the reply to their demands should be made, not in French, but in Latin, as all diplomatists understood Latin.—*Royal Letters of King Henry IV.* (Rolls), vol. i., pp. 307, 358.

[5] Cooper, *On the Public Records*, vol. i., p. 189; Pauli, *Bilder aus Alt England*, p. 180.

[6] *John Capgrave's Chronicle; Rolls of Parliament*, vol. ii., p. 273,

The Act of Parliament which ordered this exclusive use of English was, however, with little regard to consistency, enrolled in Anglo-Norman, as all proceedings in parliament continued to be until the fourth year of Henry VII.[1] Courts of law also, notwithstanding this order, for some time longer made use of this language in their records, and the text-books for students of the law were written in Latin or French until a comparatively recent period.[2] The use of these languages, however, gradually ceased, until the only remains of French or Latin which have continued down to our days in those strongholds of precedents, the courts of law and parliament, are a few legal phrases, the titles of some writs, and the formula by which the consent of the sovereign is signified to an act of parliament, "Le roi le voet."

The rapid growth of a national spirit was strikingly shown in the middle of the thirteenth century.[3] Until the reign of Richard I. the name of Englishman was a badge of social inferiority; but in the reign of Henry III. the descendants of Norman barons, and the sons of Anglo-Norman fathers, were proud of their right to the name of Englishman, and took up arms against the king's Norman and Angevine favourites, whom they despised as foreigners. Whatever judgment we may pass on their conduct in this rebellion, the fact that the barons of England identified themselves with their countrymen is a proof of the existence and strength of

Stat. 36 Edward III., cap. 15; W. Wyrcest, *Annales*, p. 433 (edit. Hearne).

[1] *Statutes of the Realm* (Record Commiss.), vol. i., Introduct., § 1.

[2] Callis says that in his time "the Court of King's Bench can judge only of proceedings in Latin."—*Reading on Sewers*, 2nd edit., 1685. The will of John Cavendish, Chief Justice of the King's Bench, proved at Bury, 1381, commences in Latin, but after a few words in that language the testator says: "Quia lingua Gallica amicis meis et mihi plus est cognata et magis communis est nota quam lingua latina totum residuum testimenti mei prædicti in linguam Gallicam scribi feci."—*Archæologia*, vol. xi., p. 55.

[3] Nigel, Bishop of London, in his *Dialogus de Scaccario*, written in the time of Henry II., says: "Vix discerni possit hodie, de liberis loquor, quis Anglicus, quis Normannus sit genere."—Lib. 1, § 10.

the national spirit which animated all classes of the people of England.[1]

A common speech and a literature common to the whole nation were not the only legacies bequeathed to Englishmen by the thirteenth century. Before the death of Edward I., in 1307, the chief elements of the English constitution, as it exists at present, had obtained legal recognition. The dangerous experiment of Henry II., by which he sought to secure the crown to his eldest son, was not again followed.[2] Common as it was for the heir apparent of the king of France to receive the crown in the lifetime of his father, no such precaution was needed in England.[3] In this country the hereditary character of the succession to the throne was no longer questioned.[4] The principle contended for by Henry I. and his advisers, that the throne was subject to the same rules as landed property was acquiesced in. Henry III. in his infancy succeeded his father, although the nation was in rebellion against John. On the death of Henry, the absence of the heir from England was, for the first time since the battle of Hastings, no obstacle to his unchallenged succession to the throne.[5]

During the reign of Edward I. the representation of the people in parliament was settled on its present basis. From that time the burgesses of the towns, whether of the king's

[1] "To the fact that the descendants of the Norman barons, the companions of the Conqueror, had become English, Sismondi, we have already seen, attributes the loss of Normandy to the English crown."—See note at p. 1 from the *Hist. des Français*, tom. i., p. 351.

[2] Lyttleton's *Hist. Henry II.*, vol. iv., p. 275; Robertson's *Scotland under her Early Kings*, vol. i., p. 155; Hallam's *Hist. Middle Ages*, vol. ii., p. 344.

[3] Tyrrell's *Hist. England*, vol. iii., p. 18; Stubbs' *Const. Hist.*, vol. ii., p. 103. "In France and Germany this experiment for securing the hereditary succession was familiar; almost every one of the kings who followed Hugh Capet had had his son crowned in his lifetime; and in Germany since the very beginning of the Karolingian empire such cases had been frequent."—Stubbs' *Early Plantagenets*, p. 85.

[4] Pearson's *Hist. England*, vol. ii., p. 287; Allen on the *Royal Prerogative*, p. 45 (2nd edit.).

[5] *Will. de Newburgh*, vol. i., cap. 3; Lyttleton's *Henry II.*, vol. i. p. 208; Hallam's *Middle Ages*, vol. ii., p. 346.

demesnes or dependent immediately on other lords, have been summoned to parliament with the knights of shires;[1] the coincidence of representation and taxation was acknowledged,[2] whilst the statute against arbitrary tallages had confirmed the right of the representatives of the people over the national purse.[3] Though the usual feudal aids were still demanded from the tenants *in capite*, these were limited as to their amount as well as to the occasion on which they might be levied. These aids, however, were not so much contributions from the nation to the sovereign, as dues paid by the tenants of the king's estates to the owner of the soil,[4] and acknowledgments of the reality of the theory that the whole kingdom had been, at one time, the property of the sovereign.[5]

The doctrine that the ministers of the crown are responsible for the acts of the king whose advisers they are had probably sprung up in the long minority of Henry III., and seems to have obtained a legal sanction during the reign of his son.[6] The orderly administration of justice had been already provided for by the appointment of judges to make their circuits throughout the country.[7] The courts of these itinerant judges were now supplemented by those of the justices of the peace, who from this date were regularly appointed.[8] The important

[1] Dugdale's *Summons to Parliament*, p. 3; Henry's *Hist. Eng.*, vol. viii., p. 107; *Life of Edward I.*, p. 29.

[2] Carte's *Hist. England*, vol. ii., p. 275; Stubbs' *Const. Hist.*, vol. ii., p. 142.

[3] Barrington's *Observations on Ancient Statutes*; Carte's *Hist. Eng.*, vol. ii., p. 24.

[4] *Magna Carta*, § 12; Sir Martin Wright, *Introduction to Law of Tenures*, p. 41.

[5] Edward I. sometimes levied tallages without consent of Parliament, but then in this he only did what the mesne lords claimed the right to do with respect to the towns on their lands.—Hallam's *Middle Ages*, vol. ii., p. 21, 41.

[6] Stubbs' *Const. Hist.*, vol. ii., p. 41.

[7] The kingdom had been divided into six circuits, and their itinerant judges assigned to each by Henry I., in a great council held at Northampton, 1176.

[8] *Britton*, vol. i., p. 6 (edit. 1865); Carte's *Hist.*, vol. ii., p. 203; Palgrave's *Extracts*, vol. iii., p. 338; Stubbs' *Const. Hist.*, vol. ii., p. 105.

duties of the coroners of counties were also accurately defined.[1] From the court of the large landowners an appeal was granted to the king's judges, and the courts of law, rising in regular gradation from the court of the manor, of the hundred, and of the county, were completed by the national courts of law presided over by the king's judges at Westminster. These courts, which by this time had become stationary, had, as early as the beginning of the reign of Henry III., been divided into three separate chambers, that of the common pleas, the exchequer, and the king's bench, and definite jurisdictions had been assigned to them. By the end of the same reign a chief had been appointed to preside over each court.[2] To provide for the upright administration of the law, two steps were taken. Ministerial offices were no longer allowed to be purchased,[3] and judges convicted of malversation in their offices were fined, dismissed, and otherwise punished by the king.[4] The effect of all this was soon evidenced by the improvement in the administration of the law. It is observed by Sir Matthew Hale that the acts of parliament passed in this reign are full of wisdom, clearly and briefly expressed, the pleadings of the courts of law well digested, and the decisions of the judges marked by learning and judgment.[5]

The writs issued for the meeting of parliament define the

[1] *Britton*, vol. i., pp. 4, 8.

[2] *Britton*, vol. i., p. 8; Hale's *Hist. of Common Law*, p. 159; Stubb's *Const. Hist.*, vol. ii., pp. 266-67. "Hubert de Burgh was the last person who held the office of Chief or High Justiciar. The powers of the office, indeed, were so exorbitant that they were too great for a subject, and it is a not improbable conjecture that the offices of Lord Chief Justice of the King's Bench, Lord Chief Justice of the Common Pleas, and Lord Chief Baron of the Exchequer were instituted in order to discharge the different duties which had formerly belonged to the Chief Justiciar."—Stephens' *History of the Criminal Law*, vol. i., pp. 94-5. "Hubert de Burgh was followed by other justiciars, but this office lost its importance on his fall and soon became practically extinct."—Stubbs' *Const. Hist.*, vol. ii., p. 267.

[3] Stubbs' *Const. Hist.*, vol. i., pp. 355, 384.

[4] Nich. Triveti, *Annales*, p. 316 (ed. Hog.); Jo. Oxenedes, *Chron.* (ed. Ellis.), p. 274 (Rolls).

[5] Hale's *Hist. of Common Law*, ch. vii., *in fin.*

object for which it was summoned—to provide for the general good in the common council.[1] It was called together for the consideration of such measures as concerned the "general good" of the nation, as distinguished from local wants with which the local courts were best fitted to deal. Long before a parliament met at Westminster and imposed taxes and assisted in making laws for the whole kingdom, the most important functions of such a parliament were executed by the manorial courts throughout England.[2] These courts legislated for the manor as fully as kings, lords, and commons legislated for the nation in its corporate capacity. Indeed, it seems not to have been intended at the first that parliament should interfere within the jurisdiction of the manorial authorities, unless by way of appeal; and it was not without remonstrance on the part of the suitors in these local courts that parliament and the king's courts claimed, after a time, to pass laws affecting manorial rights, and to adjudicate on matters touching the tenure of land and the customs of manors.[3]

At the accession of Edward I. the lands throughout England were held under these conditions. The ultimate lord and owner of the whole soil was the king, by whom, at least in theory, the gift of all estates had at first been made.[4] The estates held directly from the crown consisted, in some cases, of but one manor; more usually, however, of several. Each of these manors was divided into three parts—the land retained by the lord for his own use, which was called his

[1] Wilkins' *Concilia*, vol. ii., p. 49: *Modus tenendi Parliamentum*—§ de negotiis Parliamenti.

[2] "Local self-government is really far more important for the protection of the liberties of the people than even Parliamentary suffrage."—Toulmin Smith's *Government by Commission Illegal*, p. 55.

[3] *Rolls of Parliament*, 10 Henry VI., vol. iv., p. 403, § 35.

[4] "Our law admits not anything, either real or personal, to go *primo occupanti;* but when an owner cannot be found the common law gives it to the king" (Callis' *Reading on Sewers*, p. 45). "It is a fiction of our English tenures that the king is the universal lord and original proprietor of all the lands in his kingdom," Blackstone's *Commentaries*, book ii., chaps. 4 and 5; Stubbs' *Constitutional History*, chap. 9. See Allen on the *Rise and Growth of the Royal Prerogative*, § 1.

demesne; the portion occupied by tenants who held of the lord by a kind of subinfeudation, either as free socage tenants, or by knight service, a distinction practically at an end before the reign of Edward I.;[1] and the land held in villeinage, and "according to the custom of the manor," by what was called "base tenure." Independently of these three divisions of a manor, a part of the estate lay waste, or unappropriated, for grazing purposes. On this part these three classes, the lord, the freeholders, and the villein tenants, had the right of pasturage for the beasts belonging to their respective estates.[2]

The demesnes of the lord were cultivated either by himself directly or by his bailiffs. The labour required on this part of the manor was rendered by the villein tenants, who held their lands on condition of ploughing, harrowing, reaping, and doing other agricultural works for their lord. These "works" or services, with some few exceptions, were rigidly defined; and a tenant was bound to plough, reap, or do other acts of husbandry during one or more of the days specified on the manor roll kept for that purpose. When "scutages," or compositions for military services, released the lord from the obligation of going in person to war, a similar composition was made by the lord with these labouring tenants. This at the first was reckoned at somewhat less than the apparent value of such services; but when the unsatisfactory character of forced labour is considered, and the fact is taken into account that the lord who received such money commutation was released from the obligation of supplying the labourer with food while he was employed on the demesne lands, the commuted sum probably represented at that date the full value of the labour service which it supplanted.

The *liberi tenentes*, or freeholders of an estate, were originally military or knightly tenants, who had accepted their lands on

[1] Rogers' *Hist. of Prices and Agriculture.*

[2] Elton on *Commons and Waste Lands;* Scriven on *Copyholds.* Inclosures of lands were common in the reign of Henry III., but ceased in a great measure from the middle of the fourteenth century until after the Wars of the Roses.

condition of following the lord to war when he was summoned by the king. When the lord had commuted the duty for a fixed "scutage,"[1] these tenants assisted in the payment of this scutage by giving a small quit rent for the lands held by them, by which payment they also were exempted from military service. These tenants were freeholders, irremovable from their lands except for a violation of their oath of fealty. Though subject to the constraint of the court baron, at which all such tenants were present as judges,[2] no question touching their freehold could be entertained, unless by writ from the king, and from its decisions they had the right of appeal to the courts of the sovereign. Their lord, however, could distrain upon their lands, and sell their cattle, should their rents be unpaid. As the estate of the lord escheated to the king on failure of heirs, so in like circumstances did the estate of the freeholder escheat to the lord of whom it was held. Such tenants could, however, sell their land in their lifetime, though they could not dispose of it by will, a right which was possessed before the Conquest, but not afterwards, until recovered by a legal fiction long after the time of Edward I. These estates descended to the eldest son; or, in the case of gavelkind lands, to all the sons; whilst the lands held by the custom of "borough English" passed over the elder sons and descended to the youngest son, or even, in some cases, to one of the daughters.[3]

The members of the third class differed but little practically in the tenure of their properties from freeholders. They performed, however, base or agricultural labours, and not military service. Their estates passed by entry on the court roll, instead of by free sale or natural descent. In course

[1] Lyttleton's *Hist. of Henry II.*, vol. iii., pp. 71, 93, 314; Blackstone's *Commentaries*, vol. i., p. 310; *ib.*, vol. ii., p. 74; see Stubbs' *Constitutional History*, in Index, vol. iii.

[2] Coke's *Fourth Institute*, cap. 57.

[3] Silas Taylor on *Gavelkind*, p. 102; Coke on Littleton, see in Index; Blackstone's *Commentaries*, vol. i., p. 76; vol. ii., p. 83; Jacob's *Law Dictionary*, s. v.; Elton's *Tenures of Kent;* Digby on the *Laws of Real Property;* Blount's *Tenures of Land*, edit. Hazlitt, pp. 14, 17.

of time the rules for the transfer of their properties were as well defined as those of the freeholders. At first, however, the transfer seems to have been revocable at the will of their lord, and the tenants are described in legal proceedings as holding at his will long after the time they really held at their own will. As it was the policy of the lord, when land was abundant and labour scarce, to prevent these tenants leaving their holdings,[1] the precedent of hereditary descent soon grew into a custom, and at length was made binding by law; and villeins or copyhold tenants were as irremovable as the lord himself.[2] The cottars and bordars (*bordarii*) were copyhold or villein tenants, who held smaller portions of land than the other tenants, and whose services to the lord were less accurately limited.[3]

To the local courts of these manors all tenants, as well free as those holding by base tenure, were regularly summoned; though a distinction was maintained between the rights and duties of these two classes of tenants. Court baron was for the free socage holders, who were judges in all matters relating to the freeholders of the manors, the steward being but the registrar of the plaints of such tenants, and of the decisions arrived at in the court baron.[4] The customary court was for the villeins, bondmen, or, as they came at length to be called, the copyholders, who in this court held, in all matters affecting their rights, the position of jurors in a court of justice, with the lord or his steward for a judge. In general the manorial jurisdiction extended to both criminal and civil plaints, and the manor possessed the right in legal language of a court leet for the trial of offenders among the villeins or copyhold tenants,[5] and the right of trying and passing sen-

[1] Smith's *Lives of the Berkeleys*, p. 107.

[2] Wright on *Tenures*, p. 219 (fourth edit.); Coke on Littleton, § 77; Scriven on *Copyholds*, vol. i., p. 43 (fourth edit.); Watkins on *Copyholds*, pp. 41, 45 (first edition); Reeve's *Hist. of the English Law*, chap. 2.

[3] See Note A at end of this chapter.

[4] *Hundred Rolls*, vol. ii., pp. 318, 461; Coke on Littleton, 58*a*; Scriven on *Copyholds*, part 1st, chap. i. (vol. i., p. 4, fourth edition).

[5] Biglow's *History of Procedure in England from the Norman Conquest*, p. 144.

tence on all criminals, from those who sold by short measure or light weights, or who adulterated ale and other goods, to those guilty of offences punishable by death.[1] The court baron and the customary courts met once in three weeks; and, if a longer period passed without such a court being held, any plaintiff in a civil suit had the right to obtain a writ, and transfer his cause to the county court.[2] The court leet for the trial of offenders was held twice in the year; and of this the steward of the manor, sitting on behalf of the lord, as the king's representative, was the judge.[3] If there was no free socage tenant on the manor, then no court baron could be held; if there was no copyholder, then there could be no customary court.

At the death of Edward I. the popular element represented by these courts was powerful and exerted considerable influence throughout England. Parliamentary powers were ill-defined, new, and feeble, whilst the local courts of manors, at which every man was bound to be present, occupied much of the ground now held by parliament, and were both popular and active.[4] These courts were in almost permanent session: they took cognizance of the whole domestic and financial affairs of the manor or parish—that is, with few exceptions, of the

[1] In general women were executed by drowning, men by hanging. In certain sea-side towns freemen also were drowned, non-freemen hanged. See *Costumal of Pevensey*, 30 Edward III.; *Sussex Archæolog. Collect.* vol. iv. In all causes against the king, except high treason, the courts could inquire as to the truth of the charge, but if convicted these courts could not punish for such offences, but must certify to the judge of assize. —Jacob's *Complete Court Keeper;* Stephens' *History of the Criminal Law*, vol. i., pp. 129, 130.

[2] *Britton*, liv. vi., cap. 4, §§ 2, 3. To the frequency of the meeting of these courts Sir Henry Maine attributes the falling off of the attendance of the tenants.

[3] *Ib.* "The leet is accounted the king's court." Scriven on *Copyholds*, part iii., ch. 22, § 1; Coke's *Fourth Institute*, chap. liv.; Elton's *Law of Copyholds*, p. 240; Blackstone's *Comment.*, book iv., ch. 19, § 10, pp. 273, 274.

[4] "In whatever manner the members of the leet were returned—whether to the hundred, or to the burgh mote, or to the shire mote—they were actually and truly the representatives of the commons."—Sir F. Palgrave in *Edinburgh Review*, No. 72.

affairs of the whole of the kingdom. Here were decided all disputes as to lands within the limit of the manor. These courts allowed or prevented the appropriation of commons and wastes;[1] punished or checked crime, from the sale of cattle without leave of the lord to treason against the king; settled differences between neighbours; examined the state of the cottages on the estate, and when necessary ordered them to be repaired.[2] They took cognizance of, and directed the labours of the agricultural tenantry;[3] encouraged the industrious, and deprived the dissipated, the idle, and thriftless of the land they neglected to cultivate, or which they cultivated carelessly, and, failing other means, expelled them from the manor.[4] At the manor courts prices were fixed on most articles of food grown on the manor, licence was granted to a son or daughter to take service outside the manorial bounds,[5] per-

[1] Elton on *Commons and Wastes;* ib., *Law of Copyholds*, p. 17; Watkins on *Copyholds.*

[2] "47 Edward III. The tenant to repair the roof of his cottage, and should he neglect to do this the homage was to repair the roof and to distrain for the amount."—*Launton Court Rolls.*—Blomfield's *History of Launton*, MS.

[3] "1294. William Cobbe's wife fined 4*d.* because she worked badly in harvest."—*Ib.*

"1298. Villenage to pay half a mark because they badly gathered and mowed the corn in autumn."—*Ib.*

[4] "1296. Hugh de Lay's land taken into the lord's hands because he had neither ploughed nor harrowed it, and is unable because he is a pauper."—*Ib.* "Ordered that William le Bercher and his wife with all his family be sent away from the village, and not to be taken back again."—*Ib.*

[5] "15 Edward I. Thomas le Carter (Carcetor) gives to the lord 4*s.* on this condition, that he may freely go away from the liberty of the lord, on the pledging of Gilbert le Carter."—*Ib.* 2 Edward II. "Hugh Hardy, junior, prayed that he may be able to serve wherever he will for his profit without challenge, and it is granted him, so nevertheless that he shall give to the Lord Prior yearly at the feast of the Lord's nativity two capons while he shall stand out of his service, and if he shall be in the Prior's service he shall no longer give the said capons. Pledge for the payment Hugh Hardy and Simon Osemund." 6 Edward III. "Agnes Valner, a nief, gives to her lord a fine of 6*d.*, that she may be enabled to serve and marry wheresoever and whensoever she pleases, and no more of a fine because she is poor and an orphan."

mission was given to a father to apprentice his children, to send his son to school, or to let him receive holy orders. Here were settled the time when widows should marry, or how long they might postpone matrimony ;[1] and what fee was to be paid by a father for permission to give his daughter in marriage.[2] The manorial courts, as they existed in the thirteenth century, were legislative and executive assemblies,[3] local police courts, courts for the recovery of debts, parish vestries, sewers courts, and family tribunals ; and so in the main they continued till the seventeenth century. In these courts the fees or fines, which made a considerable part of the revenue of the lords of manors, were settled and levied ; the contributions of the tenants towards the repairs of roads were determined ; old laws were enforced, and new laws made. The fees or fines exacted were often very heavy, and were levied, not always as punishments for breaking the law, but as sanctions for the exercise of legal rights.[4]

Though these local courts had not the dignity attained by parliament and the king's courts at Westminster—though they were not conducted with such uniformity of practice, nor guided by such fixed rules of procedure, and were sometimes used, as the king's courts at Westminster were used, for purposes of oppression[5]—though they were incapable of grappling with questions of national importance, were hardly fitted to resist the encroachments of arbitrary power, and were useless in international controversies, their extinction has been

[1] In most manors it was customary that the widow should hold possession of the lands of her deceased husband for a year and a day before being required to marry ; but at the end of that time she was obliged to find a husband or to pay a fine for being excused from matrimony. "12*d.* given to the lord that she may live without a husband until the next court after Easter"—"Gives to her lord 18*d.* that she may be without a husband to the end of her life."—*Launton Court Rolls.*

[2] "All tenants of the lord ought to give vedfee when they marry their daughters ; if within the vil xvj*d.*, if without xxxij*d.*"—*Customs of Hatfield Regis.;* in *Seventh Report Hist. Commission*, p. 587.

[3] Maine on *Village Communities*, p. 139 (third edit.).

[4] "All widows if they want to have their free bench ought to give 10*s.*" —*Customs of Hatfield Regis.*

[5] Stephens' *Hist. of the Criminal Law*, vol. i., p. 130.

attended with great disadvantages. It has diminished the share once possessed by the people in the government of the country, has deprived them of one valuable element of political education, and has turned their attention more to party objects than to social improvement. More than this, the extinction of these local tribunals has thrown upon parliament a mass of business it is oftentimes unable to manage, or attempts to manage without possessing any local knowledge and therefore naturally mismanages, and it is every year adding to the inefficiency of the one court which has swallowed up almost every other court.

If the cause of constitutional freedom owes less to Edward than is sometimes claimed for him, his hand and foresight may be clearly traced in the great legal reforms of his reign, and in the measures taken to check the evils of feudalism. It is with justice that men have conferred upon him the title of the English Justinian,[1] a title which insufficiently however expresses the claims he has upon our admiration.

Before his accession to the throne, Edward had contemplated the legal changes and reforms he lived to carry out.[2] His position was a remarkable one. He owed as much to his opponents as to his friends. He inherited the crown of his father and the principles of his uncle, Simon de Montfort. At the beginning of his reign he invited to England the able Italian civilian, Francesco Accursi, to assist in reforming the administration of justice and in the amendments of the law which were to distinguish his reign. The activity of the king was seen in every department of government. His skill was evidenced in the organization of the kingdom ; his legislation is the foundation of all subsequent legislation, anticipating and almost superseding constructive legislation for two centuries,[3] so that,

[1] Sir Edward Coke in *Reports*, part x., preface ; Sir Matthew Hale in *History of the Common Law*, p. 157 (second edition) ; Reeves in *History of the English Law*, chap. ix., *in init.*

[2] *Chronicon, Walteri de Hemingburgh*, vol. ii., p. 1 (edit. Hamilton) ; Stubbs' *Const. Hist. of England*, vol. ii., p. 104 (first edition).

[3] Reeves' *Hist. of the English Law*, chap. ix. ; Stubbs' *Const. Hist.*, pp. 133, 137.

according to Sir Matthew Hale, more was done in the first thirteen years of his reign to establish and settle the distributive justice of the kingdom than in all ages since that time put together.[1] The earnestness of the king in this work of legal reform, and the grasp of his mind, was shown in his first legislative act. Within little more than six months of his coming to England and assuming the crown, Edward had called together his first parliament,[2] and had presented for the acceptance of its members a bill, to use a modern term, containing fifty-one chapters, a code of law rather than a statute.[3] It is possible to attribute other measures recommended for the enforcement of the laws and for the government of the kingdom to the importunity of his subjects, or to the necessities of his position; this statute, however—the most comprehensive of all those passed during his reign—owed nothing to either of these causes. It was passed in the height of his popularity, at the beginning of his reign, and was the result of his own reflection and patriotism.[4] To borrow the words of this statute, it was "ordained and established because the king had great zeal and desire to redress the state of the realm . . . and because the prelates and religious persons of the land had been grieved many ways and the people otherwise entreated than they ought to be, and the peace less kept, and the laws less used, and the offenders less punished than they ought to be."[5]

Each chapter in this statute had reference to some popular

[1] "The laws did never in any one age receive so great and sudden an advancement; nay, I think I may safely say, all the ages since his time have not done so much in reference to the orderly settling and establishing of the distributive justice of the kingdom, as he did within a short compass of the thirty-five years of his reign, especially about the first thirteen years thereof."—Hale's *Hist. of the Common Law*, p. 158 (2nd edit.); Blackstone's *Commentaries*, vol. iv., p. 425.

[2] Edward arrived in London August 2nd, was crowned August 29th, and summoned his first parliament to meet on the 16th of the following February.—Hemingburgh's *Chronicle;* Parry's *Parliaments of England.*

[3] The first statute of Westminster passed "on the morrow of the close of Easter in the third year of his reign."—*Statutes of Realm*, vol. i., p. 39.

[4] Lingard.

[5] Preamble to the first statute of Westminster.

grievance or defect in the administration of justice. In a subsequent parliament a statute was enacted to check the alienation of land to ecclesiastics without the licence of the king as overlord of the realm.[1] This, like many of the chapters in the statute last referred to was little more than the re-enactment, in more formal language, of one of the clauses of a charter issued by his father in 1217.[2] Though Edward, in connection with most of the earnest men of his age, did not conceal his preference for the friars, who, unlike the secular and monastic clergy, had few landed possessions and inveighed against such endowments,[3] there are but slender grounds for assuming that the statute *de religiosis* was passed with any view of preventing gifts of land to ecclesiastics, necessary as some such act confessedly was. His actions and other statutes passed during his reign render such assumption improbable.[4] The first chapter in the statute roll of the first parliament of Edward was passed to save the monasteries from the waste they were subject to through the demands of the laity upon their hospitality; and after this statute of mortmain, as the act *de religiosis* is usually called, an act was passed to restrain "abbots, priors, keepers of hospitals, and other religious houses," from alienating the property of their respective foundations.[5] Both these statutes are inconsistent with the popular notion that the mortmain acts of this reign were passed in order to prevent eccle-

[1] 7 Edw. I., *Stat. de viris religiosis; Flor. Wigorn.*, t. ii., p. 223 (ed. Thorpe). "Mortmain was avowedly enacted in order to secure to the superior all the profits arising from wardship, relief and other fruits of feudal tenure."—*Landed Policy of England*, vol. ii., p. 110.

[2] Statutes of the Realm. Charter of Liberties, in Stubbs' *Select Charters*, p. 338.

[3] *Chron. Mailros*, s. a. 1268. Edward was the founder of "the stately Cistercian abbey of Vale Royal."—Pearson's *Early Hist. Eng.*, vol. ii., p. 309.

[4] "The opposition to mortmain at this time arose from very different reasons than those which have been the cause of the later statutes against it: as the land was given to God, the king and the barons lost all the usual profits of lands held under them; they had no notion of the inconvenience or mischief to the public from a stagnation of property."—Barrington, *On Ancient Statutes*, p. 97 (3rd edit.).

[5] 13 Edward I., chap. 41.

siastics from acquiring landed property, whilst the numerous licences granted by Edward to enable the clergy and monastic bodies to accept gifts of land forbid us to believe that the act was instigated by hostility to the church.[1] The motive for it was the same as that which led to the statute *quia emptores*, the endeavour to secure to the king and lords of manors their right to the fines, fees, heriots, escheats and other incidents of landed tenure, and to prevent the collusive transfer of lands to monastic foundations and the secular clergy, by which land owners and tenants might evade their legal obligations to their overlord.

By his whole policy Edward sought to secure the union of Great Britain and of the various classes of its inhabitants under one head. In pursuance of this policy he required all his subjects to contribute to the government and defence of the realm. He defined the jurisdictions of the ecclesiastical and secular courts, and sought to strengthen the independence both of the church and crown of England. In order to check the evils which led, a few reigns later, to the suppression of the alien priories, he forbade monastic foundations to pay tallages or rents to foreign monasteries, and directed them to employ their revenues upon the objects contemplated by their founders.[2] Suits concerning the patronage of benefices were remitted to the courts of common law, since they involved the rights of property.[3] The spiritual courts were, at the same time, forbidden to hear pleas except on matters purely spiritual, for which penance might be enjoined.[4] A papal bull which forbade the clergy to pay taxes to lay authorities, and thus threatened to withdraw a large part of the lands of England from contributing their share to the expenses of the

[1] *Rolls of Parliament*, vol. i.; Rymer's *Fœd.*, vol. ii., p. 664, 1004.

[2] 35 Edward I., chap. iv.

[3] This was the re-enactment of the first constitution of Clarendon, "de advocatione et præsentatione ecclesiarum si controversia emerserit inter laicos vel inter clericos et laicos, vel inter clericos, in curia domini regis tractetur vel terminetur."—Lyttleton's *Hist. of Henry II.*, vol. iv., in Appendix.

[4] 13th Edward I., chap. 5; Stubbs' *Const. Hist.*, vol. ii., p. 118.

state and the defence of the country,[1] was met, on the part of the king, by placing the whole body of the clergy and the inmates of religious houses beyond the pale of the law. What they were forbidden by the pope to help maintain, they were not to make use of for their advantage. This state of outlawry was so intolerable that the clergy, compelled to elect between obedience to the king or to the pope, chose the former, and made their contributions with the laymen of the kingdom to the expenses of the state and realm.[2] This energetic action of Edward led to an explanatory bull from Pope Boniface, in which the prohibition of the previous pope was withdrawn.[3] As the claims to "benefit of clergy" encouraged crime by the immunity it gave to criminals, the king limited this evil by refusing the benefit to members of the inferior orders of clerks, and others charged with crime, who had married a second time. By the provision of the statute *de bigamis* criminals who had married a second wife or a widow could not evade the sentence passed on them by pleading their clerkship, and proving their claim to benefit of clergy by spelling out a few words from a breviary.[4]

Nor did the king stand alone in his honest endeavour to abate the abuses in church and state. His example and influence made itself felt in all directions. In 1297, Peckham, Archbishop of Canterbury, issued constitutions passed at a synod at Reading, forbidding, among other things, the holding benefices in plurality, which he says had become a "great scandal;"[5] the continuing to keep possession of a

[1] Feb. 24th, 1296.—Rymer's *Fœd.*, vol. ii., p. 706.

[2] Prynne's *Hist. of Kings John, Henry III., and Edward I.*, p. 584, &c.; Tyrrell's *Hist. of England*, vol. iii., p. 26; Stubbs' *Const. Hist.*, vol. ii., p. 131.

[3] July 22nd, 1297.—Brady, vol. ii., p. 54; Lingard.

[4] *Stat. de bigamis*, 4 Edward I., chap. v. When Weyland, the Chief Justice of the Common Pleas, was removed for receiving bribes from suitors in his court, this act was pressed against him. He had been twice married after receiving the subdiaconate. This deprived him of the right of "benefit of clergy," and compelled him to take sanctuary as a mere layman.—*Chron. Bart. de Cotton*, p. 171.

[5] Lyndwoode in *Provinciale*, pp. 22, 24; Johnson's *Laws and Canons of the Church of England*, vol. ii., pp. 252, 262, Oxford, 1851.

benefice, though the rector was only nominally in orders ; and the concubinage of the clergy, now grown to such an extent, as, according to the words of the archbishop, to become "a common scandal." As to the second of these abuses, up to this period it had been usual for benefices to be held by subdeacons, and, since the subdiaconate was not then reckoned among the sacred orders, large numbers of the parochial clergy throughout England were unable to perform the most ordinary duties of the parish priest. They could neither celebrate mass, nor administer other sacraments of the church.[1] In these canons of Archbishop Peckham were anticipated some of the reforms of the age of the Tudors. Unhappily, amid the wars and confusion which followed the death of Edward, and lasted with little intermission till the accession of Henry VII., these canons were neglected or forgotten, and the evil in these three particulars, far from receiving any check, grew the more common.

Though the reign of Edward was little troubled by domestic dissensions, society suffered from the wars and confusion of the previous reigns. Numbers of desperate men had sheltered themselves in the almost boundless wastes and forests which covered large parts of the country, and sallying out made the roads unsafe for travellers.[2] These bands were strong enough sometimes to anticipate or thwart the decisions of the courts of law, to settle disputes as to the occupation of land without regard to the rights of rival claimants, and to eject from their homes and rob and murder the tenants in possession. Foreign traders were frequently stripped of their property by these gangs of robbers,[3] who permitted or forbade fairs to be held, and, if their companions were arrested, overawed the

[1] "Le sous-diaconat fut, jusqu'au douzième siècle, mis au nombre des ordres mineurs dans l'église latine, comme il l'est aujourd'hui encore chez les Grecs."—Martigny, *Dict. des Antiquités Chrétiennes;* Fleury, *Institution au droit canonique*, cap. iii., viii.

[2] *Parliamentary Writs*, vol. i., p. 408.

[3] "A merchant or other traveller could claim an escort from the mayor and bailiffs of any city or borough if he chose to show that he had a considerable sum of money in his possession."—Pike on *Crime*, vol. i., p. 220,

officers of justice, and dictated their verdict to jurors.[1] To prevent these outrages, Edward, in a parliament held in the thirteenth year of his reign, presented a bill to revive the ancient practice of requiring sureties for the good behaviour of strangers and lodgers, which had fallen into disuse; to establish watch and ward from sunset to sunrise in all cities and towns;[2] and to compel the franchise or hundred in which a robbery had been committed, either to prosecute the offender, or to be answerable for the robbery done.[3] To prevent highwaymen from lurking along the roads, and pouncing upon unwary travellers, the king, at the same time, ordered all hedges and underwood to be cleared away to the distance of two hundred feet on each side of a highway "leading from one market town to another."[4] For the trial of such offenders a new court was instituted, and justices appointed, called "judges of trailbaston," either, as some suppose, because their sentence followed rapidly[5] upon the commission of crime, or, as seems most probable, from the baston or bludgeon with which these criminals were armed.[6]

&c.; Matt. Paris, p. 1145 (edit. 1640); Walt. de Heming., s. a. 1288 (vol. ii., p. 17, Hist. Soc.).

[1] Stat. 13 Edward I., cap. i.; *Triv. Ann.* (edit. Hog.), p. 315; Riley, *Pref. in Lib. Alb.*, p. xcviii., &c.; *Landed Policy of England*, vol. ii., pp. 101, 105. Pandulph, the papal legate in the reigns of King John and Henry III., says that "no one could travel through the neighbourhood of Winchester without being captured, robbed, and what was most cruel, robbery was not considered sufficient, but persons were slain."—*Letters in Tower*, cited in Hudson Turner's *Domestic Architecture in England in Twelfth and Thirteenth Centuries*, vol. iii., p. 106.

[2] Stat. 13 Edward I., cap. iv.

[3] *Ib.*, cap. ii.; see Madox, *Firma Burgi*, pp. 157, 158, in illustration of the state of the roads, and the way in which the act was enforced.

[4] *Ib.*, cap. v.; *Rolls of Par.*, vol. i., p. 178.

[5] Sir Edward Coke in *Fourth Institute*, chap. 34.

[6] "Shortly after the king likewise sends out a new writ of inquisition called Trailbaston, for intruders on other men's lands . . . for *Batterers* levied to beat men . . . and other such malefactors."—Sam. Daniels' *Hist. of England*, p. 200 (ed. 1685). "A 'trailbaston' was a clubman, one who carried a bludgeon—the Indian 'latlicar,' from 'latlic,' a club."—Stephens' *Hist. of Criminal Law*, vol. i., p. 110, *note*.

The first commission of trailbaston was dated in November, 1304, in the thirty-second year of Edward's reign.[1] At first special judges, distinct from the judges of assize, were appointed for the trial of these highwaymen. In a few years, however, this duty was assigned to the ordinary justices acting on a special commission as occasion demanded.[2] These judges were always unpopular, and parliament petitioned the king against their appointment, and this led to their discontinuance, their duties being merged in those of the ordinary justices of the peace.[3]

These measures were intended to check the growth of crime even more than to punish it. To diminish the number of robbers on the highway, and at the same time to recruit the military force of the country, the king, during the war with Gascony in 1294, offered a free pardon to all outlaws guilty of murder, robbery, or other crimes, who would enlist in the army. What success attended this device, which has been followed in time of war down to our own days, the Chronicle neglects to inform us.[4]

The state of the coinage at the accession of Edward was a cause of embarrassment to the kingdom at large. It was difficult to obtain money not greatly reduced below its nominal value by the dishonesty of "clippers." This crime the king rigorously punished. The extent to which this kind of theft was practised may be gathered from the fact that in London 281 persons were convicted of the crime and hanged at the same time.[5] As the Jews were the chief dealers in money, most of those executed were of this race. Though these people were unpopular on account of the usurious interest they exacted on loans of money, there is no reason to

[1] At Burstwick in the county of York.—*Parl. Writs*, vol. i., p. 407.

[2] Lingard; Foss' *Judges of England*, vol. iii., pp. 28-38.

[3] *Rolls of Par.*, vol. ii., p. 174; Coke's *Fourth Institute*, chap. 34; Hallam's *Mid. Ages*, vol. iii., p. 170.

[4] Barth. de Cotton, *Chron.* (Rolls), p. 235.

[5] John de Oxenedes says "that in London the Jews and 'certain Christians' convicted of clipping the coin and of coining were hung to the number of 'cclx et vij.'"—*Chron.*, p. 253 (Rolls).

think that this charge of clipping coin was not supported by abundant evidence at their trial.[1]

If the Jews were more active than others in clipping the coin, the dishonesty of the traders and chapmen who were not Jews was shown in the adulteration of articles of food, in the false weights and measures of the markets, and in the extent to which petty larceny was practised at this time.[2] These frauds had not indeed reached the proportion they attained in the fifteenth century. They were, however, extensive enough to mark out the age as a dishonest one. Though the manufactures of England were few, and the articles of exportation, with but one exception, of but little importance, yet foreign dealers looked with a suspicion for which they were justified, upon the sacks of wool and the bales of coarse cloth coming from English ports. These kinds of frauds were the attested evidence of the perjury and untruthfulness which reigned unblushingly throughout the kingdom.[3] The disregard of the marriage vow was common among all classes of the people; in popular estimation it was not considered a crime to take a false oath, or at least not a sin to be ashamed of. The rights of men and the possessions of men were sacrificed by perjured jurors who, to use the language of the act passed at the accession of the king to check this crime, "doubt very little to make a false oath, which," as the statute goes on to say, "they ought not to do;" power was therefore given to the king to attaint such perjurers.[4] What effect this threat had upon these jurors, and how far the act of parliament was enforced, we have no means of knowing. If, however, we may gather what was the treatment of perjured jurors from what befell corrupt judges, it must have been

[1] Luard in *Pref. Epist. Rob. Grosseteste*, pp. xxx, xxxv, lxix. On their expulsion from England, about ten years afterwards, their trade as dealers in money was taken up by "the Italian usurers," who were, perhaps, "equally extortionate."—Sharon Turner's *Hist. of England in the Middle Ages*, vol. ii., chap. 2.

[2] See *infra*, chap. 7.

[3] Pike on *Crime*, vol. i., p. 220.

[4] Stat. 3 Edward I., chap. 38; Barth. de Cotton, *Chron.*, pp. 172, 173; Reeves' *Hist. of the Common Law*, chap. ix.

severe. In 1289 the king caused the judges to be indicted for accepting bribes, and for other offences against the law. Only two of these were acquitted. The rest were removed from the seat of justice, and otherwise punished for corruption. Weyland, Chief Justice of the King's Bench, was driven from England, and his property confiscated.[1] This amounted in value—much of it in gold and silver—to 100,000 marks, a sum equal to nearly a million and half pounds sterling of our times. The chief baron was fined 37,000 marks. Other judges were amerced in smaller sums. Hengham, the chief justiciar, was fined £7,000. According to tradition, his crime consisted in favouring a poor man by diminishing the fine legally due for an offence of which he was guilty. An oath was from this time required of all judges that they would accept neither pensions nor gifts from suitors.[2]

Though the severity of the king was felt by perjured jurors and by corrupt and mercenary judges, his leniency was shown in other directions. He abolished the punishment of death previously inflicted upon those who had broken out of the king's prisons, and removed the charge of felony from those who had escaped from manorial prisons.[3] Rape, which had been punished by death, and in the reign of Henry III. by mutilation, was now punished by two years' imprisonment,[4] and the felon fined at the will of the king. Persons convicted of robbing in a dwelling-house were to be executed unless the goods taken were below twelve pence in value—a sum equivalent to more than twenty shillings of present money—and unless the thief were a minor, or "poor and hungry."[5] Prisoners

[1] *Contin. Ch. Flor. Wigorn.*, s. a. 1289; Oxenedes, p. 274; *French Chron. of London*, *note*, p. 95 (Camden Soc.); Tyrrell's *Hist. of England*, vol. iii., p. 56.

[2] *Ch.*, Oxenedes, p. 276.

[3] Stat. 23 Edward I.; *Britton*, lib. i., chap. xii., § 1.

[4] Reeves' *Hist. of English Common Law*, chap. ix.

[5] *Britton*, lib. i., chap. xi. This plea of necessity was as available in the manor courts as before the sheriffs or the judges at the assize. "17 Edw. I. William le Kyng for carrying off sheaves of corn of the value of iij^{d}. Because the sheaves are estimated of so small value he is pardoned *because he is poor*."—*Launton Manor Rolls.*

whose guilt was "notorious," but who refused to plead to their indictment, were remitted to close and rigorous imprisonment till they submitted to trial, or confessed their crime.[1] Petty larceny, if a first offence, was punished by the thief standing an hour in the pillory, and being disqualified from sitting on any jury or inquest for the future; hardened and notorious offenders, however, were sentenced to the loss of an ear, and in extreme cases to death. Arson was punished by burning, "so that the offenders might be punished in like manner as they had offended." The same sentence was passed on sorcerers, renegades, heretics, traitors, and persons guilty of unnatural crime.[2] An attempt made by the large landowners to increase the severity of the punishment inflicted on trespassers and poachers was defeated by the king.[3]

The feudal system differed largely in the different states of Europe. In its completeness it never gained a footing in England.[4] Whatever elements were borrowed from it—and many principles of government, many legal maxims were derived from this source—the essential feature of feudalism was never recognized in this country. The central principle of the feudal system is the dependance of holders of land and of the serfs who tilled the land, upon the immediate owner of the soil, and on him alone. His suzerain might be the vassal of a more powerful lord, but of this the occupier of a fief within the honour of an inferior lord knew nothing. His fealty was due to his immediate lord only.[5] The kings of France

[1] Not the peine forte et dure, but the prison forte et dure, not torture, but rigorous confinement, with barley bread one day and a drink of water the next, and heavy irons on hands and feet until they pleaded.—*Britton*, lib. i., cap. 5, § 2; Pike on *Crime*, vol. i., p. 210; Barth. de Cotton, p. 228.

[2] *Britton*, lib. i., cap. 10.

[3] Reeves' *Hist. of English Common Law*, chap. 9 (vol. ii., p. 39).

[4] Sir Martin Wright on *The Law of Tenures*, p. 38.

[5] For a picture of the relation of king or supreme lord, mesne lord and tenant, see *Ordinances of St. Lewis*, c. 49, A.D. 1290, cited in Digby, *On the Law of Real Property*, chap. i., sect. 2, § 3. In practice, however, the overlord had less favour even than his tenant.

were the lords of vassals, each sovereigns like themselves, oftentimes indeed able to command the services of retainers more numerous than those who followed the royal banners. Over the vassals of their own vassals the kings of France possessed no direct authority.[1] If the holder of one of the large fiefs were in arms against his king, he was guilty of rebellion, but the vassals who followed him to the field, and fought against the troops of the sovereign, were but performing their own feudal duties, and were guilty of no crime against the king, who was only the sovereign of their land, and had a right only to the services of his own immediate vassals.[2] This was not the law of England. Here the king was the lord of every man within the kingdom. Every vassal of every tenant of the king of England owed him service in a higher degree than he did to his own immediate lord.[3] In England every holder of land to the value of twenty pounds, whatever service might be due from him to any other person, was bound to follow the king, or to furnish a substitute to the royal army whenever summoned to arms. If he did not possess this quantity of land, he was yet bound on his allegiance as a subject to join the military array when called upon to do so.[4] In any contest between the king of England and one of his great vassals, the inferior tenants might elect to

[1] Lyttleton's *Hist. Henry II.*, vol. iii., p. 114; Allen on the *Royal Prerogative*, pp. 70, 72 (2nd edit.); Guizot, *Hist. de la Civilization en Europe*, Lect. neuvième; *Hist. de la Civilization en France*, Lect. quatrième; Hallam's *Midd. Ages*, vol. i., p. 160.

[2] "Partout où la féodalité conservait son entière indépendance le seigneur châtelain ne voulait pas reconnaître que les vassaux fussent justifiables d'autres que de lui."—Sismondi, *Précis de l'Histoire des Français*, t. i., p. 221.

[3] At Salisbury "on the first of August, Lammas Day, William enforced the oath of fealty upon every landholder without distinction of tenure. His men, the king's men, they all became, whoever else might be their lord."—Sir F. Palgrave's *England and Normandy*, vol. iii., p. 577; *Saxon Chron.*, s. a. 1085; Henry of Huntingdon (*Script. post Bedam*), fol. 370; Hovedon (*ib.*), fol. 460; Allen on the *Royal Prerogative*, p. 69 (2nd edit.).

[4] Stubbs' *Const. Hist.*, chap. xv., § 238 (vol. ii., p. 280). "Liege homage, from which comes the word allegiance, was due to the king as sovereign lord of the state, and had no relation to tenure."—Allen on the *Royal Prerogative*, p. 71, where he cites Spelman's *Glossary*, *Homagium*.

follow the banner of their own lord, but in doing so they were in the eye of the law guilty of rebellion equally with their lord.

As the foresight of the Conqueror had provided against the chief evil of feudalism by requiring that all persons should take the oath of fealty to himself, so the policy of Henry I. in substituting scutages, or money payments, in lieu of the personal services of his vassals, diminished the danger which might else have arisen from their assemblage in an army.[1] This danger was wholly removed by the revival in the reign of Henry II. of the old military array, in which every freeholder was called upon to serve. By this policy the people were raised into a counterpoise to the baronage. These men formed that resistless infantry which scattered the chivalry of France and secured the freedom of England from all enemies domestic and foreign. The policy of the Henries was steadily pursued by Edward I., but with this difference, that whilst their measures tended chiefly to the depression of the military power of the greater barons, the efforts of Edward were directed to the improvement of the political and social condition of the whole body of the freeholders. In the beginning of his reign all holders of land to the value of twenty pounds yearly, whether tenants of the crown or not, were summoned to receive knighthood, and all who held to the value of thirty pounds by the year, were ordered to provide themselves with horse and armour.[2] Though this measure, if it stood alone, might be regarded as an attempt to raise a revenue out of the fines received from those who failed to obey the command, its effect was to extend the power and raise the political condition of the smaller freeholders, which was probably the main object of the king.

The same policy may be traced in the statute *quia emptores*,[3]

[1] Stubbs' *Const. Hist.*, chap. xiv., § 179 (vol. ii. p. 106).

[2] In 1256 an order was issued by Henry III. that all who held lands to the value of xv pounds should appear to receive knighthood, or else pay one mark to the crown.—Matt. Paris ; Barth. Cotton, p. 136 ; Oxenedes, p. 206.

[3] 18 Edward I., cap. 1-3.

forbidding the practice of subinfeudation, by which a manor might be so reduced in value that the tenants would be unable to pay the aids due to the lord.[1] This statute both encouraged the increase of small freeholds and strengthened the influence of the crown. Some of the obstacles to the partition and sale of estates were removed by this act, which permitted freeholders to sell their interest in the lands of a manor without obtaining the consent of the lord. It also provided that purchasers of any portion of such estates should not possess the right of manorial lords, but be subject to the same obligations as the vendor, and hold like him of the original lord.[2] This statute is stated to be intended for the relief of lords threatened with the loss of their fines by the transfer of escheats, reliefs, and wardships to the lords of manors carved out of the original manor.[3] The creation of such new manors was no longer possible. In course of time, as was inevitable, the provisions of this act were extended to the demesnes of the barons themselves, every one of whose tenants came in the end to hold their possessions immediately of the king, and not as before of a mesne lord.[4]

As all tenants holding of the crown *in capite* claimed to possess a jurisdiction in civil and criminal matters over all tenants on their estates, and many tenants *in capite* during

[1] By this act Edward fulfilled the promise made by Henry III. in his charter of 1217. "Nullus liber homo de cetero det amplius alicui vel vendat de terra sua quam ut de residuo terræ suæ possit sufficienter fieri domino feodi servitium ei debitum quod pertinet ad feodum aliud."—Stubbs' *Select Charters*, p. 337.

[2] "This statute took from the tenants of common lords the feudal liberty they claimed of disposing part of their lands *to hold of themselves*, and instead of it gave them a general liberty to sell all, or any part, to hold of the next immediate lord, which they could not have done before without the consent of the lord."—Wright's *Introduction to Law of Tenures*, p. 160; Stephen's *Hist. of Criminal Law*, vol. i., p. 127.

[3] *Rolls of Parliament*, t. i., p. 41.

[4] *Stat. de prærog. Regis*, 17 Edward II., ch. 6; 37 Edward III., c. 15. Lords' *Reports on Dig. of a Peer*, vol. i., p. 129; Blackstone's *Comment.* book ii., § 6; Reeves' *Hist. of Com. Law*, chap. xi.; Lyttleton's *Henry II.*, vol. ii., pp. 114, 317; Hallam's *Mid. Ages*, chap. viii., pt. 3.

the struggle between Henry III. and the barons had usurped this jurisdiction, Edward instituted a rigorous enquiry into the validity of these claims, and whenever they could not be established by charter, or shown to exist from long usage, the jurisdiction was transferred to the king's court.[1] As one of the earliest of his measures for the reform of justice had been the removal and punishment of the judges convicted of receiving money from suitors, or guilty of acts of oppression,[2] the transfer of suits from the manorial and baronial courts to the court of the king was a substantial relief to the subject.[3]

These were not the only measures by which the king contributed to the prosperity of his country. Though he was rarely induced to waste the energies of his people in foreign wars, and though he made no attempts to recover the continental possessions wrested from his grandfather, this was from no lack of energy, but because he preferred to exert his power in another direction. Edward was alive to the great advantages of extending the influence of the crown over the whole of the British Isles. He succeeded in incorporating Wales with England, and gave it the advantage of a settled government. His death prevented his rendering a like service to Scotland, and five hundred years of suffering, during which great part of that kingdom relapsed into barbarism, were the consequence of his death and the worthlessness of his successor. He contemplated the incorporation of Ireland as he had incorporated Wales, and thus of remedying the mischief of the half settlement, half conquest, of that island in the reign of Henry II.[4] Had he lived to accomplish this, centuries of suffering might have been spared the people of Ireland, and long years of anxiety and difficulty to England on account of the unsatisfactory relations between this country and the sister island. His love of justice, his administrative abilities, his unflagging energies, his sympathy with the people, would have

[1] *Britton*, cap. 20, vol. i., pp. 75, 77.
[2] *Contin. Flor. Wigorn.*, t. ii., pp. 240, 241.
[3] *Chron., Walt. de Hemingburgh*, t. ii., p. 16.
[4] Pearson's *Early Hist. of England*, vol. ii., pp. 340-342.

found scope in a task worthy of his moral and intellectual gifts.[1] It would be idle to assert that in all he did Edward was never swayed by personal ambition, it would be untrue to say that his actions were not sometimes deformed with passion, and that whilst he laboured for the advancement of his subjects he had no thought for the interests of the crown. Yet, with every abatement, it may be said with truth that his ambition was of no ordinary kind, that his reign was a blessing to his people, and that the purity of his life and court afforded an example which his times sorely needed and seldom saw.[2] He deserved the name of great, for he effected great things for the nation committed to his care, and used kingly power and influence in a fashion which became a king, and at his death left his country the happier for his rule, and the wealthier for his untiring exertions.[3]

At the death of Edward I. the people of England were in a state of prosperity, and the country was making continual progress. The reign of Henry III. and that of Edward extended over almost the whole of the thirteenth century, and though during that time the peace of the country was not uninterrupted, it was a century freer from domestic and foreign war than any century before, whilst few ages since have enjoyed so long a period of peace.[4] The only civil war, that of the barons under

[1] See Sismondi's estimate and contrast of the characters of Philip le Bel and Edward I.—*Précis Hist. des Fran.*, cap. 9, § 5.

[2] "Edward had been brought up in a household of which purity and piety were the redeeming characteristics, and had been impressed with those virtues rather than with the vices of insincerity and dishonesty. . . . Truthful, honourable, temperate, and chaste; frugal, cautious, resolute; great in council, ingenious in contrivance, rapid in execution, he had all the powers of Henry II. without his vices, and he had, too, that sympathy with the people he ruled, the want of which alone would have robbed the character of Henry II. of the title of greatness."—Stubbs' *Const. Hist.*, vol. ii., p. 100.

[3] "Edward—

Just, prudent, grave, religious, fortunate."

Sam. Daniel, in *History of the Civil War*, book i., stanza 17.

[4] "In no part of our history do more strong indications of improvement appear in every department of national existence than under that depre-

De Montfort, was as little destructive to human life as it is possible for war to be.[1] Population was everywhere advancing, towns were rising into importance and afforded employment to the growing population. In spite of the attractions of the wool trade, and though sheep farming gave employment to a smaller number of hands than tillage, the agricultural labourers had increased in number.[2] Improvements in agriculture and horticulture kept pace with the growth of population, and the value of land had risen and was still rising at the death of Edward. The first great inclosure act, which permitted lords of manors to add to their demesnes such parts of the waste woods and pastures as were beyond the needs of their tenants, was passed in the reign of Henry III.[3] The trade in leather and wool, whether manufactured or not, assumed importance at this period, and the opening of coal pits in the northern and western counties,[4] the successful working of mines of lead,

ciated king [Henry III.]."—Sharon Turner's *Hist. of England Midd. Ages*, chap. 13. Of this reign another writer remarks, "Were we to test Henry's government only by its laws, and by the state of trade and agriculture, we should assign it a high place in the annals of English history."—Pearson's *Hist. of England Early and Middle Ages*, vol. ii., p. 177 ; see also Rogers' *Hist. of Prices and Agriculture*, vol. i., p. 6.

[1] Lingard.

[2] *Landed Policy of England*, vol. ii., p. 51.

[3] *Statute of Merton*, 1235, cap. 4 ; Barrington on *Ancient Statutes*, p. 43. See recital of Deed of Inclosure, A.D. 1290, in *Sixth Report of Hist. Commission*, p. 359.

[4] Coal is mentioned in the *Boldon Book*, A.D. 1180. In 1239 King Henry granted a charter to the freemen of Newcastle-on-Tyne for liberty to dig coals.—*Arch. Institute, Northumberland*, vol. i., p. 154. The earliest mention of coals in Shropshire occurs in a licence granted 1260-1263 to Walter de Clifford, "to dig coals within the forest of La Clie to sell or give away."—Eyton's *Shropshire*, vol. ii., p. 28 ; see *Rolls of Parliament*, vol. i., p. 28 (A.D. 1295). Coal-pits are mentioned at Wednesbury, 1315.—Bagnall's *Hist. of Wednesbury*, p. 98. Robert de Brunne, in his *Handling of Sin* (A.D. 1303), illustrates mining in general from the practice at the coal-pits :—

> "Miners they make yn Hyllys holes
> As in the West country men seek coals."

Much at least of the coal so extracted was probably quarried rather than mined.—Cosmo Innes' *Early Scottish Hist.*, pp. 126, 132. Edward I., on

silver,[1] tin, and iron, and the increased activity in the making of salt, all gave promise of that commercial importance to which the country has since attained.

Though some manufactures had long existed, and though coarse cloth and blankets were made in several towns and villages and were exported to the Baltic, and though London contained a sufficient number of weavers to allow of their being incorporated into a guild, and Totness in the west, Beverley in the north, and Lincoln in the east were local centres of a considerable cloth trade,[2] and, as the cultivation of the teazle proves, some attention had been long given to the dressing of cloth for the markets,[3] and coarse earthenware was manufactured in Staffordshire, iron smelted in Sussex, in Kent, and in the Forest of Dean,[4] and Sheffield was already famous for its cutlery, the chief wealth of the country consisted

the representation of the prelates, nobles, commons, and others resorting to the Parliament, together with inhabitants of London, Southwark, Wapping, and East Smithfield, that brewers, dyers, and others used sea-coal instead of charcoal or wood, issued a proclamation against it. Pat. 35 Edward I., n. 4 in dorso.—Prynne's *Animad. on Coke's Fourth Institute*, cap. xxx., p. 182. In 1369 coal metres were appointed in London.—Riley's *Memorials of London*, p. 338, and Prynne. In 1386 a duty of one halfpenny per chaldron was imposed by Richard II.

[1] Under A.D. 1133 Robert de Monte says: "At this time veins of silver ore were discovered at Carlisle, and the miners who dug for it in the bowels of the earth, paid five hundred pounds yearly to King Henry."—*Church Historians of England* (edit. Stevenson), *Chronicle of Hexham* (Surtees Soc.), vol. i., p. 166.

[2] There were at least as early as the twelfth century guilds of weavers in London, Oxford, York, Nottingham, Huntingdon, Lincoln, and Winchester.—Pike's *Hist. of Crime*, vol. i., p. 178. Northampton had three hundred cloth weavers in the reign of Henry III.—Turner's *Domestic Architecture in England.* "Reginald Alderman and Weaver of Oxford," occurs in 1210.—*Calendar of Charters in Bodleian Lib.*, p. 355.

[3] 1209. The tithes of teazles used in the business of cloth dressing within and without the town were given to the nuns of Godstowe.—Parker's *Hist. of High Wycombe*, p. 92.

[4] In *Pat. Rolls*, Henry III., A.D. 1237, we read "de forgis levandis in foresta de Deane." Rudder, in his *History of Gloucester*, cites a document of 10 Edward I., A.D. 1283, which mentions 72 forges in this forest. These seem to have been movable forges. "forgæ errantes," as the badness of the

in its agricultural produce, and the bulk of the labouring classes were engaged in rural occupations. Corn was now reckoned, in plentiful years, among the exports, and butter, cheese, tallow, skins, and honey were together included, with wool and leather, in the list of the "staple commodities of the country." Imports were small in value and importance compared with exports. Woad in large quantities was brought into this country for dyeing the coarse cloth made in English looms. Flanders, however, supplied most of the finer cloths. Silk was imported in the galleys of Pisa, Genoa, and Venice. These commodities, with wines, sugar, spices, perfumes, oil, and trinkets of gold and silver, almost exhaust the list of goods imported into this country. The balance of trade was largely in favour of England, and the silver and gold which purchased our wool enabled the great landowners to load their tables with the plate which they displayed at their profuse, if not luxurious banquets.

The growing influence of the trading and commercial class is evidenced by an act of parliament passed in the thirteenth year of Edward I., in which it is made optional with the creditor to seize either the lands or the goods of his debtor for moneys owing to him. Until that date execution could only be levied on the chattels of the debtor.[1]

With the increase of prosperity the social condition of the people had greatly improved. At the Conquest a large body of slaves remained in England.[2] This body received no accession by the Conquest;[3] on the contrary, the principles of the feudal law,[4] the merit attributed by the Church to acts of

roads made it more convenient for the forge to be carried to the ironstone, and to the neighbourhood of fuel, than that the ironstone and wood should be brought to the forge. The smelting of iron at this place may be traced back to the reign of Edward II.

[1] 13 Edward I. Second of Westminster, cap. 18; *ib. Stat. Mercatorum.*

[2] Kemble's *Saxons in England*, vol. i., chap. 8.

[3] From the absence of any records of manumissions in Normandy, Delisle assumes that personal slavery was unknown in that province.—*Sur l'Etat de l'Agriculture en Normandie au Moyen Age.*

[4] "The feudal law was a law of liberty."—Wright, *On Tenures*, p. 217;

manumission, and the asylum which the towns now readily afforded to all fugitives, diminished their numbers, and made the condition of those who remained in slavery more endurable. To reach a town, or find shelter on the king's demesnes, and remain undiscovered for a twelvemonth and a day, was to exchange the life of a slave or serf for that of a free labourer.[1] At the death of Edward there were probably but few if any of this class remaining.[2] Whilst the number of freemen and freeholders had gradually increased from the time of the Conquest, personal slavery silently disappeared. We have few documents, indeed, by which we can trace this improvement in the social condition of the people. The improvement was effected, not so much by the manumission of individuals secured by deed, as by the gradual enfranchisement of the whole labouring class.[3]

That which is true of the slave is true also of the villains.[4] Whatever their former disadvantage might have been, this had now almost ceased. Tenantry in villanage no longer implied that such tenants were villains. The name still existed, but the villain had now become a copyholder; according to law, he still held his land "at the will of his lord;" in fact, the lord had no power to remove him, and the acknowledgment which he made to the lord of the manor on which he lived was

Watkin's *Treatise on Copyholds*, p. 2 (first edition). "L'esprit féodal de liberté."—Sismondi, *Précis de l'Histoire des Français*, t. i., p. 212.

[1] Glanvil; see also in *Regiam Majestatem;* Lyttelton's *Hist. of Henry II.*, vol. iii., p. 191; Burton's *Hist. of Scotland*, vol. ii., p. 153.

[2] Rogers' *Hist. of Prices*, vol. i., p. 13. The law books continued to treat of villains in gross and villains regardent long after they had ceased to exist.—Smith's *Commonwealth*, p. 249.

[3] Guizot, *Hist. Gouvern. representative*, t. i., troisième leçon, *in init.*

[4] The secondary sense which the word villain has acquired gives it a mark of disparagement which it did not really possess. A villain is an agriculturist as distinguished from a townsman, and tenantry in villanage is opposed to burgage tenure. Its real meaning is best gathered from the word *vil.* "Vills," says Selden, "are often under the officers of the crown as part of the country. Boroughs are particular governments and corporations by prescription of charter, and for the most part send members to parliament."—Selden's notes to *Fortescue de laudibus*, cap. xxiv.

light. As the tenant *in capite* paid his scutage instead of rendering personal service, so did his tenant free or unfree.[1] The villain it is true had services to render, days on which he was bound to plough his lord's demesnes, days when he had to reap his lord's harvests, but these labour rents he had long since very generally commuted for a money payment, and as the value of money had diminished since this commutation had been fixed, this money payment was now but small. His tenure was in fact as independent as that of the lord himself.[2] Provided the lord paid to the crown the customary relief on entering upon possession of his lands, and rendered the aids that might lawfully be demanded, and was faithful to his sovereign, he could no more be legally removed from his land than the king could be deprived of his crown and station. The tenure of the villain was practically as safe. So long as the prescribed services were rendered, or the money rent for which they had been commuted was paid, he could not be ejected from his possession of the lands held by copy of court roll. Tenantry in villanage existed and its legality was pleaded in courts of law as late as the reign of James I.; villains, however, had disappeared long before that time.[3] Servile tenures, villanage, were incidents of the land, not of the tenant.[4] At the end of the thirteenth century they hardly involved personal inferiority. Though a villain might not

[1] *Rolls of Parliament*, A.D. 1290, vol. i., p. 60; Littleton's *Tenures*, §§ 119, 120; Dalrymple, *On Feudal Tenures*, p. 38.

[2] Rogers' *Hist. of Prices and Agriculture*, vol. i., p. 12.

[3] Smith's *Commonwealth*, book iii., cap. 10.

"*Cutbeard.* If you thought her free born and she prove a bondwoman, there is impediment of estate and condition.

"*Otter.* Ay, but, master doctor, those servitudes are *sublatæ* now, among us Christians."—Ben Jonson, *The Silent Woman*, act v., sc. 1.

[4] Smith's *Commonwealth*, book iii., cap. 10. "Bracton calleth copiholders villanos sockmannos, not because they are bond, but because they held by base tenure, by doing of villain services."—*Coke on Littleton*, vol. i., cap. 9, § 73. "Every subject born within the king's dominion is a freeman of this realm, as appeareth by the grand charter, chap. 14; yea, though he be a bondman to a subject."—Callis' *Reading on Sewers*, p. 234 (2nd edit.).

occupy freehold land, since if he did so he ceased to be a villain and became a freeholder, yet a freeholder, even of noble birth and of large independent possessions, might hold land by servile tenure, and in such case would have to perform all services, or pay the money consideration due from the lands so held, except the fee paid to the lord on the marriage of his daughter. This was not exacted from the free tenant who held lands in villanage.[1] He did not, however, become a villain because of the tenure on which he held them, nor was it any presumption in a court of law that a man belonged to that class because he held lands for which villain services were rendered.[2]

During the reign of Henry III. villains or copyholders attained a political importance and legal recognition altogether inconsistent with any notion we may have of personal servitude. Thus, the grant of a fifteenth made in the ninth year of this king's reign was, according to the roll, made by the "archbishop, bishops, priors, earls, barons, knights, freeholders, and all the men of the realm,"[3] and in the directions for levying this tax, in enumerating the goods of each class exempt from taxation, the arms with which the villain was bound to be furnished, his household utensils and other articles, are exempt.[4] The grant of a fortieth was given to the king in the sixteenth year of his reign by "the bishops, earls, barons, knights, freemen, and villains,"[5] and five years later we read that the grant of a thirtieth was made by the "bishops, earls, barons, knights, and freemen, for themselves and their villains."

That the condition of the villains or copyhold tenants was

[1] *Bracton*, fol. 208.

[2] *Year Book*, 20 Edward I., A.D. 1292, p. 40 (Rolls); *Bracton*, lib. ii., cap. 8; *Britton*, § 165 (vol. ii., p. 13); and *Doomsday* (Ellis), vol. ii., p. 2. See a paper by Mr. F. Pollock, *Notes on Early English Land Law*, in *Law Magazine*, May, 1882.

[3] Stubbs' *Select Charters*, Third Charter of Henry III., p. 345.

[4] "Exceptis quantum ad villanos armis ad quæ jurati sunt et utensilibus suis," &c.—Stubbs, p. 346.

[5] "Liberi homines et villani de regno nostro."—Stubbs, *ut supra*, p. 351.

free from hardship it would be untrue to affirm. These hardships, however, were not peculiar to members of this one class, they shared them with all orders of men in the kingdom. In many respects the liberty of the agricultural tenants was restrained in a way which to us appears tyrannical. A villain was sometimes prevented from educating his son for holy orders unless he paid for this privilege, or the son might receive the minor orders, but could not be advanced to the priesthood without permission of his lord, and to obtain this permission a fine or fee was demanded.[1] Still less could he be taken from works of husbandry, and apprenticed to an artisan without a similar permission.[2] The daughter of a villain could not marry unless she had obtained the consent of the lord and his approval of the bridegroom. A small fine was paid for this permission, and a heavier one levied if she had married without this consent. Indeed, without such consent neither man nor woman could properly be affianced or troth plighted, or if they had not waited for the permission of the lord before their formal engagement to each other, they paid a fine for their indiscretion.[3] The theory by which these restrictions are explained is, that the lord might else be deprived of the full services due from the land, or that part of his manor might pass into the hands of a tenant unable by other engagements to perform all the obligations arising out of the lands which he had become possessed of in right of

[1] "Nec filios coronare."—See Blount, *Ancient Tenures*. The hindrance existed in practice before it was prohibited by law.—*Rolls of Parliament*, 15 Richard II. (vol. iii., p. 234). The fine for permission varied from 12*d.* to 2*s.*—Rogers' *Hist. of Prices*, &c., vol. i., pp. 129, 138. A bondman so ordained, and therefore made free, might be reduced to bondage if he left his monastery, or ceased to be a clerk.—*Fleta*, i., 3, § 3.

[2] 12 Richard II., cap. 5.

[3] 1288. Amercement. vj^{d}. The homage present that Sibella le Leche has been affianced without the lord's leave. Therefore, in mercy, &c.

1288-9. ij^{s}. John Stefne, because he gave his daughter Agnes in marriage without licence.

xviij^{s}. John, son of Hugh the Bailiff, gives 18^{s}. for a licence to betroth Agnes Bok, and to have the land of the same Agnes.—Blomfield's *Ploughley Hundred.*

his wife.[1] In a great measure, however, all these restraints were but so many means by which fines could be levied, and the fines of a manorial court made up a large item of the revenues of an estate. Again, most of these restrictions the humble manorial tenants shared with the most powerful noblemen in the land.[2] Practically, indeed, the claims of the king to the wardship of tenants of the crown, and the right to licence or to withhold the licence for their marriage, weighed more heavily upon the baronage than the demands of the vassal lords did upon the villains and cottars of their estates. This fact prevented the tenants in both instances from feeling any sense of injustice on account of these restraints, and this greatly diminished the hardship.

So long as the value of land was small in comparison with the commutation for personal service, and the importance of a landed proprietor was measured chiefly by the number of the retainers settled on his manor, it was the policy of the landlord to endeavour to retain his tenants on the land, and to tempt them by every inducement he could give to keep possession of the fee simple of the holdings for which they paid fines and rendered personal services. It was this policy which ended in converting the villain tenants into copyholders possessed of prescriptive rights which the law prevented the lord from invading.[3]

[1] Not only the servile class, but free tenants also paid a maritagium or marriage tax on the marriage of their daughters. Both classes were required to obtain the consent of their superior before the marriage of their sons or daughters.—Cosmo Innes' *Lectures on Scotch Legal Antiquities*, p. 52. For the reason stated in the text, the man who married without his lord's consent paid a double fine, but "he who gave his daughter in marriage without consent of the lord forfeited his heritage."—Dalrymple, *On Feudal Property*, p. 47 (3rd edit.). This, however, was seldom exacted, and the breach of feudal law was usually healed by a fine.—Rogers' *Hist. of Prices*, vol. i., p. 120.

[2] See, for instance, the grant of a pardon to John Reyneford, esquire of the king's body, and to Anna, formerly wife of John Wrytell, Esq., deceased, tenants in capite, for intermarrying without the king's licence. Given at Westminster, Nov. 9, 1486.—*Materials for a History of the Reign of Henry VII.* (Rolls), vol. ii., p. 53.

[3] This is evident from what took place at the insurrection of the rural

It is sometimes assumed that it was a special grievance to the agricultural tenant, and a proof of his servile condition, that on the sale of an estate the person of the villain was transferred with the purchase of the land. This in itself can hardly, however, be raised to the rank of a grievance. It is true that the lord of a manor when selling his property had the right of selling also the villain tenants upon his manor; it would be more accurate, indeed, to say that he had hardly the power of selling the land without selling the tenants on the land. The fact seems to reveal a low and servile condition of the villains. This, however, is a hasty deduction from words which have in course of time somewhat altered their meaning. The rents paid by the villain tenants were his personal services in ploughing, reaping, and such like labours, or the money commutation for these services, and when the land was sold, it was sold both with the quit rents of the "free tenants," and the labour rents or personal services of the villains. This was the security to both classes that they could not be removed from their possessions at the mere call of their lord.[1] To sell a person meant in law to sell the services of that person, the rents paid by him for his land, and did not necessarily mean more than this. Thus, according to the Custumal of London and probably of all other towns, a master on retiring from trade had the right given him by law of selling his apprentice, the son, be it remembered, not only of a freeman, but of a landed proprietor.[2] No one inferred from this that he had the right to deal with him as a slave, but only to transfer the apprentice to another master, and to sell the remainder of the term of his apprenticeship.

tenantry in the reign of Richard II., when they insisted on the removal of burdens imposed upon their lands. This is, at least, a proof that they possessed lands which could not be taken from them. See *Bracton*, lib. iv.; *Britton*, § 165 (vol. i., p. 13).

[1] *Rolls of Parl.*, 18 Ed. I. (vol. i., p. 60); *Fleta*, lib. i., cap. 8, § 3.

[2] "Et fait assavoire qe chescun eiant tiel apprentice, poet vender et deviser son dit apprentice a qi qil voudra de mesme lart aux comme son chatel." After A.D. 1212.—Ricart's *Kalendar of the Maire of Bristol*, p. 103 (Camden Soc.)

Even at the end of the seventeenth century this was the meaning of these words, and in the regulations of the Carpenters' Gild at Worcester, settled as late as 1692, it was declared that any person who took an apprentice in order to sell him in this way, should be subject to a fine. This, however, had not then, and had not in the thirteenth century, anything to do with slavery.[1] This is all that is said at the later times, and all that is virtually meant in the thirteenth century by the sale of a villain tenant. The words themselves are a survival from the time when personal slavery existed, and men could be bought and sold, but are no evidence of its continued existence. In this respect, indeed, the villain tenant was far better off than the nobleman, whose son or daughter might be "bought" of the Court of Wards as freely as land or chattels may be purchased now.[2]

If the tenant could not alienate his land without licence from the lord, it was held by Bracton that, according to the principle of the feudal law, neither could the lord transfer his tenant without the consent of such tenant.[3]

Every tenant on a manor had a proportionate right with the lord over the waste lying near his fields, and only when the waste was larger than what the free tenants, villains, and cottars required, could the lord encroach upon or enclose any part of it.[4] The bordars and cottars were more dependent upon the will of the lord than other tenants in villanage, and their services were less specifically defined than those of copyhold tenants. In fact, the services due from them hardly admitted of a specific definition. Whatever the duties of the

[1] "Penalty of £5 for takeing an apprentice to sell him again to another of the same trade."—*English Gilds*, p. 209.

[2] "I bequeath an c mark in money in purchasing of as much land as may be had with the same money or else to buy a ward to be married to him, if any such may be gotten."—Will of Margaret Paston, A.D. 1482, *Paston Letters*, vol. iii., p. 286 (Arber's edit.).

[3] *Bracton*, lib. ii., cap. 35, § 13; Sir Martin Wright, *On Tenures*, p. 30.

[4] *Stat. Merton*, chap. 4; 13 Edward I., 2nd Westminster, cap. 46; Fitzherbert's *Nat. Brev.*, p. 420; *Landed Policy of England*, vol. ii., p. 16.

bordar might be, and this is uncertain, the cottar had to render his services whenever they were needed, and poultry when the lord's table or the lord's falcons required.[1] Such demands could not be forecast and made subject to a precise stipulation. The condition of these two classes, the most servile of the tenants on a manor, was not hard. In addition to the customary four or six acres attached to their cottages, they had access to the grazing lands on the waste as fully as the free tenants, the villains, or the lord himself.[2]

The political freedom of the people was strikingly in contrast with their social condition. The burgesses of the towns, who possessed to the full all rights of self-government, dwelt in houses little better than rude sheds, which afforded a sorry protection from the weather. There they breathed an atmosphere of pestilence from undrained streets and stagnant ditches, which brought death into their midst, even if the ditches at the foot of the town wall guarded them from danger without.[3] These houses were but little, if at all, in advance of the huts which at the present day shelter the herdsmen dwelling along the banks of the Danube, though perhaps superior to the beehive houses still found inhabited in Lewis and parts of the western highlands of Scotland.[4] Neither the agricultural labourers nor the workmen in towns were, however, made discontented by the consciousness of any great inequality in the dwellings of the various classes who made up the community.

[1] The large number of chickens required to feed the falcons of the gentry was a standing grievance, especially at times when they were scarce. These, however, were supplied as part of the tenant's rent, and were usually limited in amount. When a visitor required more than the customary number, they were bought ; *e.g.*, in the *Expenses of John of Brabant*, 1293, we have the entry, "Pro gallenes ad falcones xxviij^{d}."

[2] Even the serf had his allotted portion of land, one virgate ; and though "ipse debet arare et metere et auxilium dare," yet he did so only "per consuetudinem."—Naase, *On Agricultural Communities*, p. 38.

[3] *Rolls of Parliament*, vol. i., p. 61 ; Brewer in preface to *Monumenta Francis.*, p. xiv.

[4] See a description of these houses and their furniture and inhabitants, in Mitchell's *The Past in the Present*, chapters iii. and iv.

The discomforts and inconveniences of living were similar in all ranks of society. The distinction between the rich and poor, the noble and cottar, was noticed in other ways than in their dwellings; it was seen in the luxuries of the table, the fineness of dress, and the ornaments which indicated station. Hence one motive for sumptuary laws—the toe of the peasant pressed closely on the heel of the lord, and the gulf that parted them was the number of dishes upon their table, the quality of the cloth they put on, and the kind of fur they might wear to keep off the cold.

The superior class of houses in the country districts consisted of a large room open to the roof. The earth on which they stood was their only floor. In the centre of the room a fire was lighted when required, the smoke escaping from roof and door as best it might.[1] Separated by a passage from this room, the common dining-room and bedchamber of the house, was sometimes a kitchen or larder, and, in addition to this room, a cellar dug out under the basement. As cooking was frequently carried on in the open air, and cooking utensils were part of a traveller's luggage as he passed from one manor house to another, a permanent kitchen was not indispensable to a house.[2] Over a part of the ground floor a solar, or parlour, used as a bedroom for the family, was sometimes added, and access to this was gained by a staircase usually on the outside of the house. There were manor houses, however, on the royal demesnes, rural palaces of the sovereign, which had, in the thirteenth century, no rooms over the ground floor.

It is an instance of the refinement which was spreading in many directions during the reign of Edward I., that curtains or hangings from the ceiling or roof were introduced into the common bedroom so as partially to screen off the beds and divide the apartment into several small cells at night

[1] In 1267 the manor house of Launton in Oxfordshire, a possession of the Abbey of Westminster, consisted of a "hall" and a "chamber" over it, the latter open to the thatch. In the next century the manor house was enlarged and altered, and was then popularly called "the castle."—Blomfield's *Ploughley Hundred.*

[2] Bishop Swinfield's roll, 1289, p. cxxiv.

time. As people went naked to bed, such a use of curtains was favourable to decency.[1] If, however, there happened to be more persons in a house than this single bedroom would accommodate, the hall, if distinct from the bedroom, was used for this purpose. In such case a supply of fern leaves, or a sack filled with straw, or a litter of hay, was thrown down at night time on the earthen floor of the room where the guests had supped. Such was the accommodation provided even in royal palaces for the lords who waited on the king.

The material used in building these houses was generally wood, which was plentiful and cheap both in town and country. In the western counties, however, when quarries of stone were near, and this material could be easily worked, it was often made use of in the towns and manor houses outside, though, even in districts where stone abounded and was easily worked, wood was the chief material made use of. In London the room on each floor, in those instances where a room was found over the basement, was usually about eight feet in height. Here the cellar, basement, and upper rooms were often considered separate tenements, the freeholds of distinct families. The walls were usually made of timber in frame, filled in with clay or loam, strengthened by being worked up with moss, straw, heather, or fern. Sometimes these walls were whitewashed without and, though rarely, plastered within.[2] The materials used in building were so slight that houses could be easily taken down and removed to a distance. When a house chanced to be crowded, a guest was sometimes received, not inside the house but outside, and a lean-to, almost as fragile as a canvas tent, built against the gable end of a house, was thought sufficient accommodation for royal

[1] Wright's *Domestic Manners*, in index. A century later than the accession of Edward I. there was usually no screen between the beds, &c. —*Reeve's Tale* in Chaucer.

[2] Compare Leland, in *Itinerary;* Harrison, in *Description of Britain;* and Hudson Turner in *Domestic Architecture in England from the Conquest to the Fourteenth Century.*

visitors.[1] The regulation which required the alderman, or the beadle of every ward in London and in other towns to furnish himself with an iron hook, so that he might be able to take down a house, and thus check the progress of a fire, sufficiently illustrates the fragile character of houses in towns.[2] Whilst the ground floor was of earth, the floor of the upper room, if any such existed, was sometimes of hurdles, over which was strewed a carpet of rushes or hay.[3]

In the houses in trading towns an open shop took the place of the hall in country houses. The frequency of fires and their extent had, in the early part of the thirteenth century, led occasionally to the use of stone in their construction. To encourage the use of this material alehouses in London so built required no licence from the Common Council before being opened for the sale of ale and beer, though alehouses built of wood required such a licence. Before the door of every house in London during the summer months a stone trough, earthen vessel, or wooden bowl filled with water was directed to stand, ready to be used in extinguishing any fire that might chance to break out. Chimneys, though not absolutely unknown, were still infrequent.

Here and there in the larger towns—if we may rightly give the name to places which at the present would be hardly reckoned among large villages—old stone houses were occasionally to be found. Tradition usually attributed these houses to foreign builders, or to the Jews.[4] That they were

[1] See note 4 at page 43 and reference to Mitchell's *The Past in the Present*, chapters iii. and iv.

[2] Assize of London, A.D. 1212, in App. to Turner's *Domestic Architecture of the Twelfth and Thirteenth Centuries.* In 1506, each alderman of Canterbury was obliged to "keep a ladder of xxx staves and an hoke of yerne for suerte and savegard of the cite."—*Ninth Report, Com. on Hist. MSS.*, p. 174.

[3] Oxford, 1296: "For one man making a new hurdle upon which to found the solar." Oxford, 1326: "To a man claying the floor of the chaplain's chamber for one day, by the piece, 3^{d}."—*Sixth Report of Com. on Hist. MSS.*, p. 567.

[4] Freeman's *English Towns and Districts*, pp. 215, 216. Part of Lord

rare is evident from the way in which they are noticed. They were made to do service as boundaries, or employed as landmarks to measure distances by. "From the stone-house" was used in the same way as it afterwards became the custom to say "from Charing Cross," "from the Royal Exchange," or "from the standard at Cornhill."

England at the end of the thirteenth century differed considerably from what it had been at the beginning of that century. During the reigns of Henry III. and his son great advances were made in the comforts and conveniences of domestic life. Edward gave much attention to making roads and building bridges, and thus facilitated intercourse between different districts of the country. In the eastern counties bricks were beginning to be used in buildings of importance. Reed and straw had, in many places, given way to shingle and tiles.[1] Slates were coming into use in London and elsewhere. Occasionally a side pavement added to the comfort of foot passengers and spared them the necessity of floundering through the deep mire of the roadway. These pavements, however, were very partial,[2] and passengers made use of the highway, soft with mud and filth thrown from the houses, and obstructed with heaps of manure, which dogs and swine made their lair. The latter animal was so useful a scavenger, and could be kept at so little expense, as to account for the pig-

Fitz-Walter's house in London, afterwards the Hall of the Grocers' Company, was originally of stone.—Heath's *Hist. of the Grocers' Company*. The Jews were probably the builders of the "stone houses" bought by Abbot Sampson at Bury in 1198.—*Chron. Jocel. de Brak.*, p. 33 (Camden Soc.).

[1] Rogers' *Hist. of Prices and Agricult.*, vol. ii., pp. 434-9 ; *Sixth Report of Com. on Hist. MSS.*, pp. 548, 559, 561, 597.

[2] The High Street, Shrewsbury, was paved in 1270.—Owen and Blakeway's *Hist. of Shrewsbury*. In 13th Edw. I. a licence was granted to the citizens of Coventry to take toll for the expenses of paving that city. This was renewed in the thirty-third year of the same reign.—Dugdale's *Hist. of Warwickshire*. The Huntingdon Paving Act bears date 1302.—*Rolls of Parl.*, vol. i., p. 193. London was partially supplied with side pavements at this time, though they were unknown in Paris.—Turner's *Hist. of Domestic Architecture*, vol. i., p. 96. Florence was first paved with brick in 1237 ; with flagstones about 1420.—Reumont's *Lorenzo di Medici*.

sties which stood in the main streets of all our towns,[1] even in London. When a royal procession was expected to pass along the narrow roadway, dogs and pigs were driven indoors, and gravel was thrown down to make the road passable. Usually, however, the streets were left in their primitive noisomeness. Glass, whether of home manufacture, or imported from Normandy or Flanders, had been long used for churches. It began to be introduced into dwelling-houses in the reign of Henry III. This was, however, regarded as an unwonted luxury.[2] Water had been brought into London in pipes from a distance early in this century, and the first conduit was made there in the time of Henry III.; a great part of the inhabitants, however, still depended for their supply of water upon the river, foul with the sewage of the streets and the litter from the barges which brought fish and vegetables to the wharves of Thames Street and Queenhithe.[3] Necessary chambers were added to several of the houses of London in this reign.[4] Pipes for carrying away refuse water and household slops to sewers or cesspools were introduced about the same time, and the sanitary reforms of the reign of Edward I. were as great as the reforms effected in the law and constitution.[5]

The advance of the thirteenth century in refinement was as considerable as in other matters. The example of Edward made the use of baths popular among his subjects.[6] Don

[1] Riley's *Memorials of London*, s. a. 1290, 1297. Later than this, Petrarch, in one of his letters, requests the prince to forbid the keeping of pigs in the streets of Padua, as a sight unpleasant to strangers and apt to frighten horses.—Buckhardt's *Civilization in Italy*, vol. i., p. 13 (Eng. trans.).

[2] Turner's *Domestic Architecture;* Rogers' *Hist. of Prices, &c.*, vol. ii., p. 535.

[3] Riley's *Memorials of London*, p. 367.

[4] Directions for their construction are given in the Assize of London in A.D. 1189.

[5] Turner's *Domestic Architecture of 12th and 13th Cent.*, p. 94.

[6] These had been for a long time used in monasteries, and we read of the "bathiendra manna hus" (Bosworth's *Dict.*), long before this time. The example of Edward seems to have led to their use in domestic buildings. See J. H. Markland in *Archæological Journal*, xv., 373.

Sanchez, Archbishop of Toledo, half-brother of Queen Eleanor, when on a visit paid to this country, had brought a present of carpets for the floors of the palace, and rich hangings of tapestry to grace the walls of his sister's apartments. These so far surpassed the carpets and hangings in use in England that it was disparagingly said the queen was introducing "hangings like those in churches, and carpets like those of Spain."[1] It was not long, however, before the example of the court prevailed, and towards the end of this reign these luxuries were beginning to be naturalized, not only in the houses of the nobility, but in those of the trading classes, and even, it is said, in the houses of wealthy farmers.[2] The floor of the parlour and hall continued, however, in most houses to be strewed with a less expensive carpet, and a bundle of hay or an armful of birch boughs and rushes, mingled sometimes with sweet herbs, satisfied the simple tastes of the people.

At the commencement of the thirteenth century the furniture of the houses, of which the floor was of earth and the unceiled roof consisted of straw or reeds, was of corresponding simplicity. A plank set on movable tressels formed the usual table;[3] a rough bench, two or three stones or blocks of wood, supplied the place of chairs; a light frame projecting from the walls and used as a rack on which clothes might be hung in the daytime and which might serve as a perch for birds during the night; a cupboard ranged along one side of the room and holding a few wooden platters, a metal jug and one or two spoons, together with some bedding or a sack of straw as a

[1] Matt. Paris. Carpets or tapestry for churches were made before this time at Ramsey in Huntingdonshire.—Turner's *Domestic Arch.*, p. 98.

[2] In 1314 John Snecksworth, bailiff of one of the manors belonging to Merton College, bequeathed to that college his furniture and personal effects, including four carpets (*tapeta*), one of which was valued at seven shillings.—Rogers' *Hist. of Prices, &c.*, vol. i., p. 13. *Tapetum*, however, sometimes meant a covering for the benches of the hall (*ib.*, 581); probably this is its meaning in the inventory of Snecksworth.

[3] In distresses levied for arrears of tallages, in most cases "the article seized is a table, as being no doubt the most available article of furniture, valued at prices varying from three pence to a shilling."—Mr. Riley, in *Sixth Report of Hist. Com.*, p. 506.

substitute, comprised the list of movables found in the houses of even successful farmers and traders. Before the century had closed dishes of earthenware began to appear on the tables of the richer classes in the towns, and were preferred to the old beechen platters, or cakes of coarse bread, which had hitherto served for plates at the dinner-table.

Linen was now more generally worn on the person and used for the bed than it had been earlier in the century. It seems, however, to have been rarely changed, and the washing bills of lords and ladies at this time were suspiciously small. Yet the washing bill of Bishop Swinfield in 1290 was far larger than that of a duke of Northumberland two centuries and a half later.[1] In the beginning of that century the gown or cassock of the day generally formed the coverlet for the night. This seems to have remained the custom in most houses even in the latter years of the century. Table linen and napkins, however, were coming into general use, and manufacturers of linen existed in some of the south-western counties even in the thirteenth century.[2] Now it was that in the houses of the country gentry a chessboard, with chessmen of ivory, made a part of the ordinary furniture. When the song of the harper or gleeman was silent the chatter of the parrot and the antics of the monkey amused the leisure of those who had no taste for intellectual pursuits. The grave and stately peacock,[3] not unknown indeed more than a century before, was now a common ornament to the country seats of the nobility and wealthy gentry, and to the gardens of several of the larger monasteries.[4] At the palace forks

[1] *Household Roll of Bishop Swinfield*, vol. ii., p. xxxix.; Blaauw's *Baron's War*, p. 321 (second edit.).

[2] A.D. 1253. A requisition for 1,000 ells of very fine and delicate linen was made by the king's purveyors in the county of Sussex.—Madox, *Hist. of the Exchequer*.

[3] "In pavone regnat melancholia."—Neckam, *De Nat. Rerum*, cap. xl.

[4] See Neckam, *De Nat. Rerum*, cap. xxxix., xlviii.; *Swinfield's Roll*, vol. ii., p. cxxvi.; Smith's *Lives of the Berkeleys*, temp. Edw. I.-Edw. III., pp. 105, 126; *Inventory of the Effects of Roger Mortimer*. We read of three peacocks and three pheasants given to Edward II. on his journey into Sussex, 1324.—*Sussex Archæolog. Coll.*, vol. vi.

had been introduced at table, and were among the articles which accompanied the king in his northern campaigns.[1] The use of these seem, however, rarely to have extended beyond the table of the sovereign and members of his family.[2] The great peers were still content to use their fingers for the purpose for which we employ forks. In the times of confusion which followed the death of Edward these and other appliances of comfort and refinement were almost forgotten, and when re-introduced in the reign of Elizabeth, were looked upon as novelties.[3]

At the time when dwelling-houses were so mean and fragile, ecclesiastical architecture attained its most august proportions. The decorated style in its development from early English exhibited the noblest features Gothic architecture has ever presented.[4] Henry III., like his cotemporary Saint Louis of France, was a munificent patron of art, and Gothic architecture, which attained great excellency after his death, owes much to his taste. In the Early English style, which immediately preceded that of the Decorated, the beauty of Gothic architecture was not fully matured ; in the Perpendicular style which succeeded the Decorated, it had greatly declined. In grace of design and beauty of execution the ecclesiastical buildings of the reign of Edward surpass those of any age before or since his days.[5] The north transept of Hereford

[1] *Wardrobe Account of Edward I.*, p. 343.

[2] They occur in the *Inventory of the Effects of Piers Gaveston*, "pour mangier poires."—Rymer's *Fœdera*, tom. iii., p. 392.

[3] Croyat speaks of these as not used in England in his time, or in any other nations of Christendom, but only Italy (*Crudities*, vol. i., p. 106); yet silver forks were used in England long before his time ; see, in addition to previous notes, *The Plumpton Correspondence*, 1441 ; "per forpicam argenteorum," *Pref.*, xxxiv. ; D'Aussy, *Vie Privée*, tom. iii., p. 179; *Bury Wills*, 1467, "a spoon with a fork in the end of silver," p. 40. In 1556 (*ib.*, p. 147), "a fork of silver" occurs among the effects of Henry VII. (*Excerpta Hist.*, p. 123). All that can be said is, that forks were less known in the early Tudor times than in the time of Edward I.—Pet. Damien, *Opera*, p. 726.

[4] Parker's *Glossary of Architecture*, *s. v.* Decorated Style.

[5] Bloxham's *Principles of Gothic Architecture*, chap. vii., p. 188 (eighth

Cathedral is a specimen of this style, which is usually said to have lasted into the middle of the fifteenth century, but which shone forth in its greatest purity at the close of the thirteenth. Among the earliest examples of this style may be mentioned the chapel of Merton College, Oxford, and the celebrated crosses raised by Edward to the memory of his queen, Eleanor, who died in 1290. Among the most finished specimens of this style yet remaining may be enumerated the nave of York Minster, the choir of Lincoln Cathedral, and the chapter-houses of York, Salisbury, Winchester, and Wells.[1]

Nor was the advance in grace and form which is characteristic of the architecture of this century, the Augustan age of English art, seen only in the public buildings then erected.[2] The examples which remain of the kindred art of the sculptor mark as great an advance toward excellence as do the choicest works of the architect. Indeed, it has been said by one qualified to judge, that the sculpture of the thirteenth century in England is parted from the sculpture of the twelfth by a wider gap than any which parts this century in law and language from previous centuries, great as was the advance in both these respects.[3] The monumental statues of Queen Eleanor, of Henry III., and of Aveline, Countess of Leicester, are instinct with the same purity of taste which distinguished the school of Pisa, and may be ranked with the artistic productions of any country.[4]

The bell-foundries of Salisbury, Norwich, Gloucester, London,

edit.). "The thirteenth century was to mediæval art what the Periclean and Augustan ages were to the Greeks and Romans."—Sir Gilbert Scott's *Lectures on Mediæval Architecture*, vol. i., p. 142.

[1] This is the era in which Gothic architecture may be said to have attained the highest pitch of graceful proportion and luxuriant beauty. This period includes the reigns of the first two Edwards—that is, from 1272 to 1326.—Paley's *Manual of Gothic Architecture*, pp. 101, 102.

[2] Sir Richard Westmacott, in *Archæological Journal*, vol. iii.

[3] Freeman's *Norman Conquest*, vol. v., p. 637.

[4] Flaxman; Sir Richard Westmacott, *Archæolog. Journal*, vol. iii. "Few figures can surpass in simplicity and beauty the effigy of Queen Eleanor; and those on the crosses erected to her memory are almost equally fine."—Parker's *Gothic Architecture*, p. 161.

and other of our cities turned out bells of truer and sweeter tone than bell-founders with all the aids of modern appliances produce in these days. To their skill this country owes the honour of being known as "the ringing isle."[1] When the disadvantages under which they laboured are taken into account, we are forced to admire the scientific knowledge of the founders of the thirteenth and fourteenth centuries, who conveyed their metal over wastes, often without roads, erected their works on village greens, and under a rough shed or in the open air cast the bells for the steeple or tower which the masons were building.[2] Excellence in this art continued to distinguish our workmen even when their cunning in other ways had been forgotten.[3]

Though the early history of glass-making in England is obscure, we know that glass-makers had settled in this country to make glass for the windows of churches before the close of the seventh century,[4] even if it had not been made here continuously from the times of the Roman occupation.[5] Before the thirteenth century English artists had attained so great skill in coloured glass, that their workmanship was in high repute on the continent. In this century, as the remains of painted glass at Canterbury, York, and Lincoln sufficiently prove, the English workers in glass had reached a high degree of excellence.[6] Though it has been said that this fact does

[1] Fuller.

[2] *Archæological Journal*, 1871, p. 416.

[3] "Bells so many, tunable and of such excellent melody to a musical ear that it is thought there are more good rings of bells in this part of the island than in half Christendom besides."—Heylin's *Cosmography*, p. 254 (ed. 1682).

[4] Bede, in *Hist. of Abbots of Wearmouth; Life of Benedict Biscop*, § 5.

[5] Pennant.

[6] *Sur l'Art de la Peinture sur Verre*, par Pierre le Vieel; *Memoir illustrative of the Art of Glass Painting*, by Winston; *Introduction to the Study of Painted Glass*, by A. A., London, 1878. Like other arts, glass-making had been neglected during the fourteenth and fifteenth centuries; and when the windows of the Beauchamp Chapel at Warwick were glazed, it was stipulated that "glasse of England" was not to be used because it was inferior to foreign glass.

not conclusively prove that the glass itself was made in England, yet the occurrence of "Glasswright" as a family name leaves little doubt that glass was manufactured here as early as the reign of Edward I., and enough remains to show that the makers of coloured windows possessed artistic taste and skill equal to that of their cotemporaries, the architects, sculptors, and bell-founders.[1]

In metal-work the same excellency was exhibited. The churches were adorned with copper statues of royal and noble personages. The beaten ironwork with which Thomas Leighton enclosed the shrine of Queen Eleanor at Westminster,[2] and the candlestick which once stood in Gloucester Cathedral, still excite the admiration of artists and the envy of modern workmen.[3] The nobles and gentry, who had few other ways of showing their wealth, loved to display it in the gold and silver plate which adorned their tables and glowed upon the walls of their mansions. Then, too, the goldsmiths of London vied with each other in the production of dishes and goblets elaborately chased and embossed, or in designing articles of jewellery and enamelled ware to satisfy their wealthy customers.[4]

Whilst the taste and constructive skill of English architects, sculptors, wood and ivory carvers,[5] and ironsmiths were exhibited in the cathedrals, abbeys, and parish churches built in the

[1] We find in the roll of the *Taxacio facta in burgo Colcestriæ* in 1295, among the jurors, Robert le Verrer; and in that of 1300, Matthew le Verrer. Robert le Verrer is taxed, among other goods in the *Taxatio* of 1300, on "billets pret. xviij^{d}, vitrum pret. iiij^{d}." Henry le Verrer is also taxed, but no mention is made of his stock in trade.—*Rolls of Par.*, vol. i., pp. 231, 258, 260. In the *Inquisitio Nonarum*, Matt. le Glasewrythe is mentioned among the burgesses of Colchester (p. 325); and among the inhabitants of Trumpington we have Simon le Glaswryght (p. 278). In 1355 "Thomas le Glaswryghte dwells by the foss of the Flete in London."—Riley's *Memorials*, p. 288; see also *Test. Ebor.*, vol. iii., p. 17 (Surtees).

[2] *Archæological Journal*, vol. iv.

[3] *Gold and Silversmiths' Work*, by J. H. Pollen, p. 89.

[4] Henry's *Hist. of England*, vol. viii., p. 276; *Our English Home*, p. 52 (second edit.).

[5] Strickland's *Lives of the Queens*, *Eleanor of Castile. in fin.*

thirteenth century; and whilst sculptured boss and corbel lavishly adorned these buildings; and the effigies on their altar-tombs kept alive the memory of the dead; and choir and nave glowed with the tints of jewelled glass; and shrines were shut in and beautified with screens of metal-work worthy of the specimens of the graver's art they enclosed, and altars were covered with embroidery of wondrous grace and beauty,[1] the progress of the nation might be traced in other directions than those of art. The improvements in husbandry and in horticulture were as satisfactory as the advance made in the fine arts. Here the influence of the king was specially felt. Though busy with legislative cares, and with measures for the maintenance of constitutional freedom—at one time with the construction of a commercial port at the mouth of the Humber, and at another with planning roads along which loads of wool might be carried to the ports of Kent and on the North Sea-board—Edward found time to attend to the cultivation of his demesnes and the stocking of his gardens and orchards. Strangely mingled with the demands of the campaign against the Scots, or with the requirements of the politician and the pleasures of the sportsman, are directions to procure cuttings of new varieties of fruit trees and seeds of vegetables for the table. Fruit and forest trees, shrubs and flowers, introduced from the continent, were naturalized in the king's gardens, or in those of the nobility and the larger religious houses. In "stately gardens" both the lemon and orange were common, and tropical fruits which could not be grown without artificial heat.[2] Many of these were neglected and forgotten after his death, until even the memory of their having been raised in England so completely passed into oblivion, that their re-introduction after the Wars of the Roses is spoken of as though they had never been known before.[3] Though the elm

[1] Sir Gilbert Scott's *Lectures on Mediæval Architecture*, vol. i., p. 203.

[2] *Archæology*, vol. xii., see note 1, at page 56.

[3] "Such herbes, fruites, and roots also as grow yearlie out of the ground of seed, have been verie plentifull in the land in the time of the first Edward, and after his daies; but in processe of time they grew also to be

of southern Europe, first planted in England during the reign of Edward, was too hardy to be destroyed during those wars which followed upon his death, yet the hop which flourished in the royal gardens, and probably elsewhere, if indeed it is not indigenous to this country, is popularly said to have only made its appearance in England in the days of Henry VIII.[1] The species of pear first cultivated in the nursery grounds of Warden in the reign of Edward was considered so important an addition to our stock of fruit that it was borne as the arms of the convent where it had been first planted. Then also the wild fruits of our country lanes and thickets, the gooseberry, the raspberry, and strawberry, were transplanted and cultivated until they attained the size and excellence which gave them a place at the table.

Nor were the triumphs of horticulture limited to the improvement of our indigenous fruits. New varieties were introduced at this time. Figs, oranges, lemons, citrons, almonds, and even olives are noted among the fruits growing in the gardens of some of the larger landowners of this country.[2] These natives of a southern clime could not have ripened their fruits unless in exceptionally warm seasons, or by means of hothouses; the evidence that they were grown in England is, how-

neglected; so that from Henry IV. till the latter end of Henry VII. and beginning of Henry VIII. there was little or no use of them in England, but they remayned either unknown or supposed as food more meet for hogs or savage beasts to feed upon than mankind."—Harrison, *Descript. of England;* see Cullum's *Hist. of Hawsted*, p. 103.

[1] Few popular jingles contain so large an amount of misstatement as that which tells us that—

> "Hops, Reformation, Bays, and Beer,
> Came into England all in one year."

Or, as another form varies the information—

> "Turkies, carp, hoppes, pickerell, and beer,
> Came into England all in one year."

So far as fruits are concerned, there was hardly a time when England was not—

> "The isle of Brutes,
> Most plentiful of fruits."—Skelton's *Works*, vol. ii., p. 10 (Dyce).

[2] See Note B at the end of this chapter.

ever, too clear to allow of our rejecting the testimony handed down to us. To whatever degree of maturity these fruits attained, the fact of such trees having been planted here is an indication of the skill and enterprise of English gardeners in the days of Edward I.[1] These fruits were not cultivated merely for home use: their sale was a source of profit to those who grew them. English wine sweetened with honey, and probably flavoured and coloured with blackberries,[2] was sold in the taverns of London, and limited the importation of continental wines.[3] From the large grounds which surrounded the town house of De Lacy, Earl of Lincoln, on the top of Holborn Hill, supplies of fruit were regularly sent to the city markets, and the sale of the produce of his orchards and gardens added a substantial item to the income of one of the wealthiest members of the baronage.[4]

The progress of the scholastic philosophy in England and the greater part of Europe is an evidence of the intellectual activity of the thirteenth century. Based on respect for authority and veneration for divine truth, it soared fearlessly into the loftiest regions of speculation.[5] This philosophy has sometimes been reproached with the apparent barrenness of

[1] The taste of Edward I. was inherited by his son, whose fondness for agricultural pursuits—perhaps his excessive fondness—was made a charge against the unhappy king.—Henry's *Hist. of Eng.*, vol. viii., p. 264. Compare the horticultural taste of Edward I. with that of Charlemagne.—Pertz, *Mon. Germ. hist. Legum*, tom. i., p. 18; Cosmo Innes, *Scotland in the Middle Ages*, p. 327.

[2] *Archæologia Cant.*, vol. vi., p. 327. So Lesbian wine was in the middle ages coloured and flavoured "with berries of Eubulum."—Sandys' *Travels*, p. 13.

[3] *Rolls of Par.*, vol. i., p. 243; Turner's *Domestic Architecture*, p. 101; Rogers' *Hist. of Prices*, &c., vol. i., p. 29.

[4] *Arch. Journal*, vol. v. In the *Cellarers' Accounts of Ely*, 1332, is a note of the "sale of two bushels of green grapes, vii^{s} 6^{d}."—Betham's *Hist. of Ely*. In the garden of De Lacy in Holborn, 1296, pears of St. Regle, one of the choicest kinds of pears, are enumerated.—Wright's *Domestic Manners*. Richard II., who "planted vines in great plenty within the upper park of Windsor, sold some part to his people."—Stow.

[5] Hampden's *Bampton Lectures*, p. 8 (second edit.); Shirley's *Lectures on Scholasticism*, p. 19.

its teaching. The charge arises from mistakes as to the true office of the scholastic philosophy. It disciplined the mind of the student: it was not an instrument to impart knowledge. Its utility was far greater than this. The philosophy of the schools was fitted to give subtilty to the intellect, to strengthen the reasoning powers, and train the mind for sustained thought. It was the parent of the experimental philosophy destined to adorn a future age. It guided and strengthened the intellectual faculties in the investigation of the facts and phenomena of the material world when its boundless fields were laid open to the view and invited the researches of the student of nature.[1]

In the study of this philosophy England was greatly distinguished. On the continent the scholastic method was applied by Albert of Ratisbon and Thomas Aquinas to theology, to natural science, and to politics. In the same field England was adorned by the labours of the three Franciscans, Alexander of Hales, Duns Scotus, and his pupil William of Ockham. The first is reckoned one of the earliest schoolmen. To the subtile genius of Duns Scotus testimony is borne by the name given him by his contemporaries. His attainments in mathematics and metaphysics were as remarkable as the boldness of his speculations in logic and theology. His pupil Ockham, the great defender of Nominalism, is remembered chiefly for his political speculations, and for the zeal with which he advocated the rights of secular rulers, and resisted the encroachments of ecclesiastical power on the domain of temporal politics.[2] The century, adorned by these lights of the scholastic philosophy, was made still more illustrious by the learning, piety, and administrative abilities of Robert Grosetête, Bishop of Lincoln.[3] The list of his writings is so extensive as to have given rise to suspicions as to his

[1] Mackintosh, *On the Progress of Ethical Philosophy*, § 3, and *Hist. of England*, vol. i., p. 196; Hallam's *Introduction to Hist. of Literature*, §§ 18-23.

[2] Alexander Hales (*doctor irrefragabilis*) died at Paris, 1245. Duns Scotus (*doctor subtilis*) died at Cologne, 1308, aged forty-three. William of Occam or Ockham (*doctor invincibilis*) died at Munich, 1347.

[3] Robert Grosetête, or Greathead, Bishop of Lincoln, died 1353.

claims to the authorship of all the books attributed to him. His active life both before and after his consecration to the see of Lincoln compels us to wonder that he should have found time to use his pen even to the extent implied by his undoubted writings.[1]

Whilst these men were chiefly employing their learning and thought in theology and the abstract sciences, other thinkers in England were engaged in building up the natural sciences. The fame of Michael Scot[2] would have been greater had it not been dwarfed by the reputation of his contemporary Roger Bacon.[3] There was hardly any department of knowledge this great Franciscan had not investigated. He was learned in theology and philosophy, in grammar, language, and music. His researches in mathematics and the natural sciences were aided by the writings of the Arabian philosophers. From these sources he enlarged his knowledge of geometry and astronomy. To these same observers he was possibly indebted for his profound acquaintance with optics, and the laws of refraction and perspective. In the extent of his chemical knowledge he had no equals in Europe, even if he did not surpass the most learned of the Arabian and Jewish philosophers. He anticipated many of the discoveries of after ages.[4] His suggestions as to what might be accomplished in mechanics show a deep acquaintance with the forces of natural agents, whilst in experimental philosophy in general he foreshadowed, even if he did not directly suggest, the system of his great namesake, Francis Bacon. He was unfortunate in the days which succeeded those in which he lived. The torch he lighted was almost quenched in the times of confusion and darkness following on the death of Edward I. It was reserved

[1] See preface of Mr. Luard in *Rob. Grosetête*, *Epist.* (Rolls).

[2] Michael Scot of Balwirie in Fife was born, it is supposed, about the beginning of the thirteenth century, and died about 1290.

[3] Born at Ilchester about 1214; died 1292.

[4] "He was probably the greatest natural philosopher of the middle ages."—Lecky, *Rationalism in Europe*, vol. ii., p. 323; Pearson's *Early Hist. of England*, vol. ii., p. 285; Craik's *Hist. of English Language*, vol. i. p. 145.

to a later age, and to the father of inductive philosophy, to recall the memory of Roger Bacon, and to add to it fresh lustre.[1]

Nor was the intellectual activity of the thirteenth century apparent only in the regions of abstract speculation and of natural science, in the magnificence of its architecture and in the beauty of its carving and sculpture. In the practical arts of government and the science of jurisprudence this century may be compared with any age, and will not suffer by the comparison.[2] In Edward, and in his rival and instructor, De Montford, statesmanship was ennobled. In the sagacity which found remedies for acknowledged wants and anticipated future needs; in the independence of spirit which almost rendered them superior to the temptations of station, and in the resolute will which compelled the wills of feebler natures into the path along which they were moving, these two men have not been surpassed by any statesmen in England. Nor did they stand alone, though they rose above all competitors. The days of Hubert de Burgh, of William, Earl of Pembroke, of Robert Burnell, of Stephen Langton, and of the barons of Runnymede, were days of great statesmen, though the greatness of these latter men have suffered from their living in the days of King Edward I. and the Earl of Leicester.

The thirteenth century was remarkable not only for its statesmen, but also for the ability of its jurists, its law-makers, and law-givers. Sir Matthew Hale has dwelt upon the great legal knowledge and acuteness of the judges appointed during the reign of Edward.[3] The treatises of the lawyers of the thirteenth century have been the text-books of all law students down to our own days; and their maxims have been accepted by the greatest judges who have adorned the seat of justice

[1] Lord Bacon "found the philosophy of his great namesake a dead letter, and he breathed into it the breath of life."—Forster, *Mahomedanism Unveiled*, vol. ii., p. 316.

[2] Sismondi in *Précis de la Hist. des Français*, tom. i., p. 211.

[3] Sir Matthew Hale's *Hist. of the Common Law*, chap. vii. (pp. 157-165, 2nd edit.).

since the reign of the great Plantagenet. The names of Glanvil, Bracton, Britton, Horne, and other lawyers of the same period, are still held in respect by lawyers, and will remain so as long as legal skill or care for constitutional history remains. These men would have made any age famous. No period in English history has ever been so fertile in wise and great lawyers as this was. We shall have to reach forward to the sixteenth century, and to the days of the great queen, to find a period comparable in any one line of progress with the times of Edward. In several respects the Elizabethan age probably falls below the level of the age of Edward the First.[1]

Before turning to the evils which marked the course of the next two centuries, let us linger for a moment on the aspects which England presented at the beginning of the fourteenth century, the close of the reign of Edward. The course of the nation up to this time had been one of intellectual and material progress. Population was advancing, and this usually implies a time of security and peace. The local courts, bringing justice to the door of every man, were in full vigour. The constitutional liberties of the nation had been legally assured—there remained little to a future age save the duty of maintaining them. Law was wisely administered. A growing commerce repaid and encouraged the labours of the agriculturists and the industry of the artisans. Towns were increasing in number, population, and importance. The people were amply supplied with food and clothing.[2] A growing refinement was fast obliterating the coarseness which had hitherto prevailed. The wealth and taste of the nation was seen in the stately buildings, mostly ecclesiastical, which were rising in all the large towns and cities, as well as in the wilds and valleys

[1] "The age was one of great lawyers. Frederick II. had set the example in Naples, and his minister Peter de Vincis had codified there the laws and constitutions of the Norman kings of Sicily. Lewis IX. had in his *Établissements* created a body of law for France; and Alfonso the Wise in his *Siete Partidas*, or seven divisions of a system of universal law, had tried to do the same for Spain."—Stubbs' *Early Plantagenets*, p. 210.

[2] *Landed Policy of England*, vol. i., p. 190; Rogers' *Hist. of Prices, &c.*, vol. i., p. 57.

chosen by the Benedictine or Cistercian brotherhoods for their abodes. The comforts of domestic life were being steadily augmented. The sanitary regulations were wisely conceived and firmly, if temperately, enforced. In examining the growth of national liberty, and of material, intellectual, and moral progress, the student of history cannot fail to note the variety of the improvements in all these respects associated with the reign and personal influence of Edward. There were, indeed, obvious defects for which, if the life of the king had been lengthened, he might have found some remedies. The crime, which his strong hand had in part repressed, required the watchful care of a ruler not less in earnest than he was. Almost all things, however, seemed to promise the nation a continuance of individual liberty, national advance, and intellectual progress. It seems to us, even now, that had the reign of Edward been prolonged to the length of his father's, England would have continued to advance in health and peace, and perhaps in godliness. All this, however, depended, humanly speaking, too much on the life of one man, and the untimely death of Edward, and the dark days which followed, served but to show the instability of material wealth and prosperity when resting upon so insecure a basis. They show, however, at the same time, how much England owed, and still owes, to the genius, the honesty of purpose, and inflexible will of its great king.

NOTE A.—Bordars, Bordarii.

(*At page* 13.)

Who the *bordarii* or *bordars* were is one of the unsettled questions of English history. At present all that can be stated are conjectures. The chief meanings of *bord*, from which the name is derived, are (1) a house, (2) a table, and in this latter sense we still speak of a person "boarding" or taking his food at a given place. In connection with this latter meaning, it has been suggested that the tenants—for tenants they were, and not mere boarders on an estate—might in some way have been bound to supply food, such as poultry, for the lord's table. The supposition of Spelman (*Gloss., in voc.*) "that they were a kind of upper domestic servant who

waited at the table or *bord*, and performed other less ignoble offices in their master's houses, in which they did not reside, but in small huts of their own" (Henry's *Hist. of England*, book iii., chap. 3), is only entitled to a respectful consideration from the name of Spelman. It is, however, pure conjecture. (3) Another meaning of the name *bord* is the rim or border of a shield (Bosworth's *Anglo-Saxon Dict.*). As no one, so far as I am aware, has suggested that these small holders of land were military tenants or shield-bearers, this meaning may be disregarded.

All these suggestions show how utterly the original meaning of the name *bordarii* had at the end of the middle ages faded from memory.

That the tenants were not called *bordarii* because they dwelt in houses need hardly be questioned. All dwelt in houses of some sort or another, and it would be no designation of any class of manor tenants that they were "householders;" the cottars, however humble their station, were this equally with the lord of the manor. There is, however, one possible meaning of the name which with much diffidence I suggest.

In the precise enumeration of services due from tenants to their lord in return for their holdings is one noticeable omission: there is no mention of any class of tenants bound to build houses or walls, or to repair the manor, farm buildings, and mill, or to make doors, window frames, or roof—all works of daily requirement, and all beyond the extemporized skill of the ploughmen or shepherds on the estate. The workmen who executed such works, the masons, helliers, daubers, and carpenters, must in early days, when the name alone occurs, have been settled on the manor, and such would be *bordarii*, bordars, or "house wrights." If this conjecture is a likely one, we should naturally look for them on the demesne where their work chiefly lay, and Serjeant Heywood (*Dissertation upon the Ranks of the People*, p. 305) incidentally cites passages showing that the bordars congregated there. The term, according to Mr. Morgan, "had been brought into England by the Normans, and it disappears at the end of the twelfth century," and he adds, "In Normandy they were principally employed in domestic labour" (*England under the Norman Occupation*, p. 64). He elsewhere notices that the keeper of a mill was in many instances a "bordar" (*ib.* 100). See also Delisle, *Études sur la Condition de la Classe Agricole en Normandie au Moyen Age*, and Ducange, in *Glossary*, *s. v.*

NOTE B.

(*At page* 56.)

Sir James E. Smith (*Eng. Flora.*, vol. iv., p. 241) says that the hop "may with probability be reckoned a native of Britain." It was used, however, in early days as a salad or vegetable for the table; and the same writer says that "the young sprouts boiled have the flavour of asparagus, and are more early." When noticed in early writings it is mentioned as a garden plant. Polwhele, in his *Hist. of Devonshire* (vol. i., p. 96,

1797), says, "the young plants or shoots, when about six or eight inches high, are boiled and eaten like asparagus. I have seen the young shoots sold in the markets in various parts of the kingdom." Cherries were introduced here by Roman settlers.—Pliny, *N. H.*, lib. xv., c. 30. The vine was cultivated here in the third century by the same settlers. Peaches were grown in the king's gardens as early as 1276. Pears had probably been cultivated in our orchards as long as apples; several new varieties, however, were introduced by Edward, and perry and cider were largely made in the thirteenth century. Quinces occur in the fruiterers' accounts of this king, but were known much earlier (*Life of Losinga*, p. 180). In 1292 they were bought at the rate of 4*s.* per hundred. In 1265 strawberries are mentioned in the *Household Roll of the Countess of Leicester*. In 1276 gooseberry bushes were purchased for the king's garden at Westminster. Warden pears were the produce of the Cistercian convent of that name in Bedfordshire. Neckam mentions the *aurea mala*, supposed to be the orange. In addition we have notices in his writings of medlars, almonds, quinces, plums, and mulberries, and what is difficult for us to understand unless we grant the existence of hothouses at that time, he says that a "noble garden," the garden of a nobleman, should have "pomegranates, lemons, oranges, almonds, dates, and figs."—*De Nat. Rerum*, cap. clxvi. See Turner's *Domestic Architecture of England in Twelfth and Thirteenth Centuries; Archæological Journal*, vol. v.; Wright's *Hist. of Domestic Manners in England.* Matt. Paris, speaking of the severe winter of 1257, says that apples were scarce, pears still scarcer; and that cherries, plums, figs, and all kinds of fruit in shells were almost entirely destroyed.—*Hist., s. a.* 1257, p. 645; Wright's *Domestic Manners;* Innes, *Scotland in the Middle Ages*, p. 248. Drayton (*Polyolbion*, Song xx.) speaks of—

"Citrons which our soil not easily doth afford"

—words which imply that though difficult to rear they were grown in England.

PART II.

Decline of England after the death of Edward I.—The Scottish War—War with France—The war destructive to both nations—Ravages of French privateers on the English coast—Harvests and famines in England—Murrain—The "black death" and other pestilences—Risings of the agricultural tenants—Wat Tyler—Renewal of the war with France—War of the Roses—Decay of national prosperity—The Tudors.

ON the 7th of June, 1307, the feast of the Translation of St. Thomas of Canterbury, Edward I. died at Burgh-on-the-Sands in Cumberland, and was buried at Westminster on the 27th of the following October.[1] He was older than any king who had reigned over England before him, nor did any of his successors until Elizabeth reach the same age.[2] His death is one of the turning points in English history. In his tomb was buried the promise of the continued prosperity of his country. The one hundred and eighty years lying between his death and the accession of the house of Tudor were years of violence and suffering to the people of England, not lightened, but chequered by a few brilliant victories, and by long ruinous campaigns. The sufferings endured by the people of this country cannot be tabulated; they may, however, be traced in the decline of the population,[3] in the growth of crime, in the frequent returns of famine, and in the havoc caused by pestilence. The violence which reigned throughout the country may be estimated in part from the fact that of the nine kings who filled the throne of England between the death of Edward and the close of the Middle Ages, four were murdered, whilst one, the murderer of his nephew and usurper of his throne,

[1] *Chron. Walter de Hemingsburgh*, tom. ii., p. 267; *Chron. de Lanercost*, *s. a.*, vol. i., p. 207: "Non relinquens sibi similem in sapientia et audacia inter principes Christianos."

[2] Stubbs' *The Early Plantagenets*, p. 249.

[3] This decline is thought to have commenced almost immediately after the death of Edward I.—Rogers' *Hist. of Prices, &c.*, vol. i., p. 264.

was killed in battle, and by dying on the field escaped secret murder or death upon the scaffold.

The sceptre which fell from the grasp of Edward I. passed at once into the hands of his unworthy and feeble son.[1] It was retained by him until the nation, wearied with the rule of his favourites, heard with indifference of a palace intrigue ending in his deposition. This deposition was followed by a kind of parliamentary sanction *ex post facto*,[2] and by his hideous murder, the first instance of either the murder or dethronement of a king of England after the conquest. What the policy and genius of his father had almost secured was lost by the folly of Edward II. The whole course of his reign was marked by domestic deterioration and external disgrace. The northern kingdom became a separate and hostile state. The total defeat of the English army by the Scottish hosts under Bruce at Bannockburn was the source of long misfortune to England and of the most terrible calamities that ever befell Scotland.[3] It arrested the prosperity of England; it destroyed the growing liberties, the civilization,[4] and the material

[1] "He was a trifler, an amateur farmer, a breeder of horses, a patron of playwrights, a contriver of masques, a smatterer in mechanical arts; he was, it may be, an adept in rowing, and a practised whip; he could dig a pit or thatch a barn; . . . all testifying to the skilful hand rather than the thoughtful head."—Stubbs in Introduction to *Chronicles of Edward I. and Edward II.*, p. xlviii.

[2] "A powerful section of Parliament gave a sanction to the deposition of Edward II. when it had been already accomplished."—Pike on *Crime*, vol. i., p. 227.

[3] "The victory of Bannockburn must be set down as a greater disaster to Scotland than the carnage of Flodden or the rout of Pinkie Cleugh."—Joseph Robertson in *Quart. Rev.*, No. 169.

[4] "A glance through the country's subsequent destinies will at least harmonize with the belief that it was opulent at the outburst of the War of Independence. If we look back to the year 1290, we shall find that there had been a long period of tranquillity, in which the country had been consolidating itself. There had been peace with England for upwards of a hundred years. Such opportunities for progress and civilization never came again to this country until the union with England, and after that the subsidence of the elements of strife had to be waited for before the country had a fair field for the development of its energies."—Burton's *Hist. of Scotland*, vol. ii., p. 198.

wealth of the crown and people[1] of Scotland. It gave over the conterminous frontiers of the two countries to endless and savage warfare. For more than a day's journey on either side the Solway and the Tweed, lands hitherto cultivated lay for the most part untilled. All rights of property were extinguished, and rapine, personal outrage, and murder reigned almost uncontrolled; only at rare intervals could the law be enforced along the devastated frontier. For three centuries this was the miserable condition of the border counties of England and Scotland; indeed, much of this lawlessness continued for four hundred years, until the final union of the two countries in 1707.

At the close of the thirteenth century Scotland socially, ecclesiastically, and politically was, so far as the rights and privileges of the people were concerned, a part of England, and Scottish writers of that period speak of their own language as English.[2] It is needless to re-open the purely formal discussion as to the feudal relations between Scotland and England at that time; it is enough to refer to matters of fact. At the moment when, unhappily for both countries, an English nobleman, availing himself of provincial prejudices, raised, with the help of the highland clans, the standard of rebellion against Edward,[3] the people of Scotland were advancing

[1] "None will have the least doubt that the royal patrimony in the time of David I. was not only wealthy and rich, but even twenty times at least richer than it was in the time of James VI."—Ruddiman in Introd. to *Anderson de re diplomat*, p. 226.

[2] See letter of Earl of Dunbar, A.D. 1400, in Pinkerton's *Hist.*, vol. i., appendix; Irving's *History of Scottish Poetry*, p. 19.

[3] Robert de Brus the elder, the competitor with John Baliol for the crown of Scotland, was an English baron, formerly Chief Justice of England and Sheriff of Cumberland. He inherited the lordship of Annandale in Scotland by the marriage of an ancestor with the heiress of that dignity. He died in 1295, and was buried at Gainsborough in Yorkshire. His son Robert married the heiress of the Earl of Carrick, and succeeded to that title. He died Governor of Carlisle and Sheriff of Cumberland, and was buried at Holme Cultram. The lordship of Annandale was confiscated by the Scottish Parliament in 1294-5 for his adherence to Edward. His son Robert, who became King of Scotland, was born at Westminster in 1274. See *Life and Reign of Edward I.*

materially and intellectually on a par with those of England, and were enjoying an amount of freedom and prosperity such as they never again possessed. This advance was so evident that for many a year after the days of Bruce the Scottish people were accustomed to contrast their sad condition with that enjoyed by them in this period of wealth and power.[1] The wealth of Scotland may be estimated by the splendour of the cathedrals and churches which is still evidenced in their ruins, and by the inventories of their adornments which yet remain.[2] The national prosperity is indicated by the rapidity with which the personal services due by the agricultural tenants were being replaced by a money rental, as well as by the making of roads, the building of bridges, and the increase in the value of landed property.[3]

No defeat, however crushing, ever proved half so injurious to any country as the victory of Bannockburn did to Scotland. This is the testimony borne by men whose patriotism cannot be called in question. "Scotland, at the death of Alexander III. in 1286," says Mr. Cosmo Innes, "was more civilized and more prosperous than at any other period of her existence down to the year when she ceased to be a separate kingdom in 1707."[4] More than half a century before this was written the editor of Wyntoun, speaking of the times when the poet lived, and drawing his conclusions in part from the writings of Wyntoun, says, that after this time "the prosperity of Scotland suffered a long eclipse, its gold was changed into lead, and its fishermen and merchants into cut-throats and plunderers, whose only trade was war, whose precarious and only profit was the ruin of their neighbours."[5] The picture presented us by Mr. Macpherson is not over-coloured. The

[1] Innes, *Early Scottish History*, p. 140.

[2] Walcott, *The Ancient Church of Scotland*, p. xvi.

[3] Innes, *Early Scottish History*, pp. 24, 25, 27.

[4] *Ib.*, p. 158.

[5] Macpherson, in Preface to his edition of Wyntoun. A song quoted by Wyntoun, but generally thought to be as old as the time of Edward II., says—

"Oure gold wes changyd into lede."

Irving's *Hist. of Scottish Poetry*.

victory which Bruce won under the walls of Stirling has been said, with truth, to have put back the dial hand of civilization at least three hundred years ;[1] indeed, it drove from Scotland the very elements of its growing civilization and its material wealth. The artisans of North Britain were at that time mostly English. These retired, or were driven from Scotland, and with them the commercial importance of the Scottish towns was lost.[2] The estates held by Englishmen in Scotland were confiscated, and the wealth which through the hands of these proprietors had found its way from the southern parts of the kingdom and fertilized the more barren soil of the north, at once ceased. The higher and more cultured clergy were English ; these retired when the severance of Scotland from England was effected, and with them Scottish scholarship was almost extinguished,[3] and the budding literature of the north disappeared.[4] How calamitous was the period which followed upon Bannockburn may be partially estimated by two significant facts. Of the six princes who had nominal rule in Scotland from the death of Robert III. to James VI., not one died a natural death.[5] Of the ten kings whose names are entered on the roll of Scottish history from the death of Robert Bruce, seven came to the throne whilst minors, and James I. was detained in England for nineteen years. The

[1] *The Haigs of Bemersyde*, by Russell.

[2] Roxburgh, once a considerable borough, is now "scarcely to be traced by a few heaps of green turf marking the site of its old castle and town walls." Berwick ranked next to London for its commerce. It is called by the *Lanercost Chronicle* "a second Alexandria" (*altera Alexandria*), p. 185. Its importance was destroyed by the war, and it never recovered. Inverness at the close of the thirteenth century was of greater importance than now.—Innes' *Scotland in the Middle Ages*, p. 232.

[3] "Archdeacon Barbour in the middle of the fourteenth century was educated at Oxford, but after his time none of our scholars were brought up at the English universities."—Preface to *Antient Laws and Customs of the Burghs of Scotland*, p. xlvi.

[4] Ruddiman in Introduction to *Anderson's de re diplomata Scotiæ;* Joseph Robertson in *Quart. Rev.*, No. 169.

[5] James I., the second son of Robert III., came to the throne in consequence of the death of his elder brother David, Duke of Rothesay murdered by his uncle, the Duke of Albany.

country during these long minorities, and the time of the captivity of James, was exposed to the strife commonly attendant on minorities.[1] Whilst, then, the victory of Bannockburn naturally furnishes a theme for the poet, it can only be a subject of regret to everyone who estimates the importance of political facts according to their bearing on the moral, intellectual, and social well-being of the people at large.

The civilization of Scotland was not of home growth.[2] The principles of its constitutional law had been implanted by the English, who before or at the time of the Norman conquest settled in the countries beyond the Tweed.[3] From Tweed and Solway to the limits of Sutherland almost all the arable land was held by English families. With few and inconsiderable exceptions, every name of note occurring in Scottish history is English. Of the English colonists or refugees came the houses of Bruce, Baliol, Biset, Barclay, Colville, Comyn, Douglas, Dunbar, Fleming, Fraser, Gordon, Grant,[4] Hamilton, Lindsay, Maule, Maxwell, Morevil, Mowbray, De Quincy, Ruthven, Stewart, Sinclair, Somerville, Soulis, Valornes, De Umphraville, Wallace, and others scarcely less famous than these.[5] The settlers from England before the Norman conquest influenced Scotland in many ways more deeply than even the Anglo-Norman barons settled there

[1] Dr. Robertson's *Hist. of Scotland*, book i.

[2] "Of fifteen prelates who were elected to the primatial see of St. Andrews during the twelfth and thirteenth century, not one appears to have been a Celtic Scot; only a few sprang from the Anglo-Norman houses of Scotland; the great majority were Saxons and Normans from England. Even the chapter of Murray chose for their bishop an abbot of Coggeshall in Essex in 1171, and a canon of Lincoln in 1252."—J. Robertson in *Quart. Rev.*, No. 169.

[3] "With the Saxon queen and the Saxon and Norman lords came Southern laws and manners, not violently as by right of conquest, but received as the most approved, most civil policy, coming where there was not much to displace of definite law and customs endeared by long use."—Innes' *Lectures on Scotch Legal Antiquities*, p. 95.

[4] *The Chiefs of Grant*, by W. Fraser, LL.D., vol. i.

[5] Innes' *Sketches of Early Scotch History*, p. 10.

after the time of William the Norman, and Scotland retained the old English rule of government, and was less indebted than England to Anglo-Norman legislation.[1] The forms of its early institutions were English, and were introduced into the northern kingdom during the reigns of David I. and the three Alexanders.[2] The rules and practice of the Scottish parliament were moulded upon those of south Britain; the laws of Scotland were copied from the statute roll of England.[3] The name of Parliament was borrowed from the English assembly, and first used in Scotland seventeen years after it had been applied to the legislature of England.[4] The franchise in the north was limited to possessors of the same value of land as in England. Little more than thirty years after Edward had summoned the representatives of the English towns to Westminster, the representatives of the Scottish burghs obtained seats in the parliament of their own country.[5] The legal framework of the English constitution was copied in Scotland. The *Regiam Majestatem*, the constitutional code of Scotland, was borrowed, with close exactness, from the treatise of Glanvil on the laws of England.[6] The code known by the name of *Leges burgorum*, issued by David I. at Newcastle, was copied almost verbatim from the laws and customs of the English town from whence the code was dated, as these laws and customs existed in the time of Henry I. of England.[7] To the rebellion under Bruce it is owing that the parliament of Scotland was composed of one house only, the division between the members of the baronage and the representatives of the boroughs and counties not

[1] E. W. Robertson's *History of Early Kings of Scotland*, vol. i., p. 252; Burton's *Hist. of Scotland*, vol. ii., p. 138.

[2] *Ib.*, vol. i., p. 252.

[3] Macpherson's *Hist. of Commerce*, vol. i., p. 642.

[4] First used in England in Preamble to Statute of Westminster, 1272; in Scotland, 1289.—Innes' *Lectures on Scotch Legal Antiquities*, p. 119.

[5] The burghs of Scotland were first summoned to send representatives to parliament in 1326.—Burton, vol. ii., p. 430.

[6] Burton, vol. ii., p. 137; Joseph Robertson in *Quart. Rev.*, No. 169.

[7] *Acts of the Parliament of Scotland*, vol. i., in Introduction; *Antient Laws and Customs of the Burghs of Scotland*, in Preface.

having taken place in England until after the separation of the northern and southern parts of this island, when it became the policy of Scotland to imitate the institutions of France rather than those of England.

To this was owing the exclusive rights which "the lords of articles" possessed of preparing and presenting bills for the consideration of parliament. This exclusive right was exercised by them because such had been the practice of the king's council in England until long after the rebellion of Bruce had broken out.[1] In many other ways the enmity of Scotland to its southern neighbour was made clear. Before the war with England municipal officers in Scotland bore the English names of mayor and aldermen. These were exchanged for titles taken from French municipal institutions, and Scottish towns came to be governed by provosts or doyens, deans, and baillies.[2] James I. on his release from captivity attempted to introduce some modifications of parliamentary practice in conformity with English law. His attempt, however, was unsuccessful. The separation of England from Scotland was so complete that no efforts of the king could overcome the prejudice against borrowing anything from England.

Scotland was indebted to England for other benefits besides constitutional and municipal institutions. Its ecclesiastical corporations bore the features of English parentage. At the accession of Alexander I. the abuses in the Scottish church were so great as to deprive it of any influence for good.[3] The example of England encouraged the kings of Scotland to set about the reformation of the national church. In this they

[1] Innes' *Lectures on Scotch Legal Antiquities*, p. 146.

[2] Burton's *Hist. of Scotland*, vol. ii., p. 180.

[3] St. Margaret of England, who died in 1093, lamented the degeneracy of the Scottish church, and commenced the work of reformation. There was abundant need of it. "The wealthier priests were an hereditary caste, living at ease and sloth, and transmitting their benefices to their children. The observance of the Lord's day had ceased, the Sacrament of the Lord's Supper was no longer celebrated even on the holiest day of all the year."—Joseph Robertson in *Quart. Rev.* The queen's three sons who in succession ascended the throne, Edgar, Alexander I., and David, all took up the work which their mother had commenced.

were successful, and "so thorough was the ecclesiastical revolution that the Scottish church was not so much reformed after the southern example, as it was gradually overgrown by the English church, transplanted to the northern hills with its clergy, creeds, rites, and institutions."[1] Up to that time the parochial system of the church had hardly any existence in Scotland. It was the Anglo-Norman barons who set the example of endowing parochial churches after the English model, of settling a resident minister within the bounds of every parish, and of giving the tithes of their Scottish estates for his maintenance.[2] The bishops of Scotland received consecration from the archbishops of York.[3] The cathedrals of the northern church owed their foundation to the same settlers, and were erected by the kings of Scotland avowedly in imitation of the cathedrals of England. The chapters were modelled after those of England. Thus Glasgow and Dunkeld copied the constitutions of Salisbury, and adopted "Sarum Use." At the beginning of the thirteenth century the Bishop of Moray sent the Dean of Elgin to visit Lincoln and learn the customs of that chapter. He borrowed the use of Lincoln, and transmitted it to Aberdeen and Caithness. In the same way the great monasteries of Scotland received not only their rule but their first members also from England. In fact, they were offshoots of English monasteries. Canterbury was the mother-house of Dunfermline; Durham of Coldingham; St. Oswald's, near Pontefract, was imitated by Scone, Holyrood, and St. Andrews; Melrose and Dundrennan were daughter-houses of Rievaux; Dryburgh of Alnwick, and Paisley of Wenlock.[4]

The relations of Scotland with England are evident in other things. The architecture of the cathedrals and monasteries of the north was derived from England, and, when not

[1] Joseph Robertson in *Quart. Rev.*, No. 169.

[2] Innes' *Sketches of Early English History*, p. 11.

[3] Spelman's *Councils*, tom. ii., p. 5; Drake's *Antiq. of York*, 538. 539; *Life of Archbp. Sharp* (*York*), vol. i., p. 584 and note; Walcott's *Ancient Church of Scotland*, p. 7.

[4] Joseph Robertson in *Quart. Rev.*, No. 169; Innes' *Lectures on Scottish Legal Antiquities*, p. 167.

built by southern architects, was copied by Scottish architects mostly from the models to which the spirituality was indebted for the constitution of the chapter or the rules for the governance of the monastery.[1] No cathedral was built after the reign of David I. in 1153, and almost every monastery was founded before the death of Alexander III. in 1286. All these marks of refined taste and religious zeal, of wealth and public spirit, ceased with the rebellion of Bruce. The Anglo-Norman barons retired to their southern estates.[2] The money necessary for building edifices of such grandeur suddenly failed, and additions made to these buildings after this date betray the influence of French, not of English architecture. In later times the religious zeal of Scotland was shown in the foundation of collegiate churches. These, however, were for the most part of small dimensions, and hardly one was completed at the time of their overthrow.[3]

It was to preserve to the two parts of the island of Great Britain the advantages flowing from the incorporation of

[1] "The real golden age of Scotland—the time of peace with England—of plenty in the land, of foreign trade, of internal peace, of law and justice, was the period of a full century following the treaty between William the Lion and Richard Cœur de Lion (A.D. 1189), comprehending the reign of William and the long reigns of the second and third Alexander. That century is the time when we can ascertain most of our fine and great churches to have been built."—Innes' *Scotland in the Middle Ages*, p. 296.

[2] "The first notes of contest banished every English priest, monk, and friar from the northern realm. Its termination was followed by the departure of those great Anglo-Norman lords—the flower of the Scottish baronage—who, holding vast possessions in both countries, had so long maintained among the rude Scottish hills the generous example of English wealth and refinement. Then it was that De la Zouch and De Quincey, Ferrars and Talbot, Beaumont and Umfraville, Percy and Wake, Mowbray and Fitzwarine, Balliol and Cumyn, Hastings and De Courci ceased to be significant names beyond the Tweed, either perishing in that terrible revolution, or withdrawing to their English domains, there to perpetuate in scutcheon and pedigree the memory of their rightful claim to many of the fairest lordships in Albany, and to much of the reddest blood of the north." —Joseph Robertson in *Quart. Rev.*, No. 169.

[3] Joseph Robertson in *Quart. Rev.*, No. 169, p. 144.

England with Scotland, that the policy of Edward I. was directed. It is easy to charge him with being urged by vulgar ambition; such a charge proves nothing. In the case of Edward it is in conflict with the whole tenor of his actions. What is capable of proof is, that the reversal of the policy of the king which followed upon his death was the cause of the direst calamity which ever befell either country, and that what he aimed at would have saved Scotland from the accumulated poverty and misery caused by four hundred years of barbarous civil strife; would have spared England the ravages of her border counties, and would have deprived the other enemies of this country of the advantages offered to them by the hostility of Scotland. That so clear-sighted a monarch as Edward did not perceive the benefits to both countries which their union would have secured, or that he was unconscious of the evils produced by the division of the island into two portions, can hardly be imagined. That one whose reign was honourably distinguished by the regard paid by him to treaties was not influenced by motives of sound policy and patriotism is scarcely to be conceived. That his death led to the continued separation of Scotland from England, and delayed that closer union which has proved beneficial to both countries, must be regretted by all who desire the welfare of the people. The calmness with which Edward submitted to the loss of the continental possessions of his family, compared with the energy and perseverance which he exhibited in the incorporation of Wales, in the all but incorporation of Scotland, and his known intention to incorporate Ireland with England, is a token of a sound and enlightened policy. So far as he was able to follow that policy, we may judge of its advantages to the various peoples of Great Britain. It certainly benefited Wales; we cannot doubt, from the sad evidences of history, that the success of such a policy would have greatly advantaged Scotland. We may well regret that his life had not been spared to have conferred the like advantage upon Ireland. The rebellion of Bruce prevented the perfect union of Scotland with England; and this rebellion was the work of men who had over and

over again taken the oaths of fealty to Edward; was pursued by men who were under the greatest obligations to the king, and was ushered in by the base and sacrilegious murder of Comyn whose only crime in the eyes of his murderers, so far as we can gather, was a conscientious regard for the same oaths which Bruce and his brother conspirators had taken and trampled under foot.

The war commenced by Bruce lingered for almost three centuries either in the shape of formal warfare proclaimed by heralds and by the ceremonials usually observed at the beginning of national strife, or in the informal but equally destructive hostilities which neighbours indulge in, and which partake of the bitterness of civil war. In this struggle, Scotland, being the poorer country, and having been plunged into almost universal anarchy and barbarism and deprived of its wealth by its separation from England,[1] suffered in the long course of this war less in some respects than England, the wealthier country. It had not, indeed, the means of suffering so much as England. It is not, in all cases, true that "money is the sinews of war." In proportion as a nation is wealthy, it is oftentimes the less inclined to maintain a prolonged war than a poorer country. A nation with many interests dependent upon the preservation of peace, and with a large proportion of its inhabitants engaged in pursuits which require peace for their successful development, will suffer more than one which has fewer interests to be injured by war. An impoverished and hostile neighbour is, under some contingencies, more to be dreaded as a foe than a wealthy one.

The decline in the material prosperity of Scotland is significantly indicated by the change in the value of its money. In the time of Edward I., the moneys of England and of Scotland were of equal value; a pound Scotch was equivalent to a pound English. At the accession of James I. to the crown of England the pound Scotch had sunk to the value of

[1] Sismondi says that Scotland was so poor that French troops could not subsist in it.—*Precis*, tom. i., p. 373.

twenty-pence English.[1] For three centuries the lands south of the Tweed, and almost as far as the Tyne at its mouth, were exposed to the ceaseless ravages of moss-troopers.[2] For a short time after the outbreak of hostilities, the homesteads and villages of Northumberland were rich enough to attract marauders who had nothing to lose, and who depended for their subsistence on the success of their raids on the property of their more wealthy neighbours. For a while men were killed, and women outraged and murdered, and children slain without pity, and houses plundered and then burnt, and cattle swept off the grazing lands between Tweed and Tyne, until none cared, unless they were outlaws, to occupy any part of the country within a night's ride of the borders of Scotland.[3] The sufferers in their turn soon learned to recognize no law save that of might, and avenged their wrongs by inflicting like wrongs upon others, and thus there grew up along the frontiers of either country a savage population, whose occupation was murder and plunder, and whose sole wealth was what they had obtained by violence.[4] In the rentals and surveys of this part of England which have been preserved to us, the eye rests continually on such entries as "cottages burnt" and "lands wasted" and "rent nil,"[5] the silent record of the misery into which this much suffering people were plunged until they were killed off the face of the earth. The enumeration of these tokens of the war which raged day and night along the border but feebly, however, represent to us the sufferings of the inhabitants.[6] Trade was almost at a standstill in the

[1] Ruddiman in *Anderson de re dip. Scotiæ*, § 53 ; Adam Smith's *Wealth of Nations*, book i., ch. iv. (pp. 35, 36, edit. 1806).

[2] Redpath's *Border Hist.;* Introductory chapter to Scott's *Monastery.*

[3] "De piscar' silvis ceduis pascuis pannaq' nichil' in Ecclesiasticis beneficiis in partibus illis similit' de gregibus."—*Taxatio P. Nichol.*, p. 317 ; *ib.*, p. 331.

[4] "In 1296 the bloodyest and longest warr that ever was betwixt two nations fell out and continued two hundred and sixtie years to the undoeing and ruineing of many noble families with the slaughter of a million of men."—Somerville's *Lives of the Somervilles*, vol. i., p. 61.

[5] *E.g.*, *Feodarium Prioratus Dunelmensis.*

[6] "The exports of Scotch trade in the reign of James IV. seem to have

towns north of the Tweed. On either side of that stream the fields lay untilled, desolation brooded over the whole country, no labours of agriculture could be pursued where no labourers remained, or if they remained, did not venture abroad to cultivate the soil or to tend the cattle—where, indeed, there were few cattle to be tended. If travellers were forced to pass across the burnt and devastated country, they did so at the risk of being plundered, if not killed, by thieves and murderers, who roamed over the country or lay in ambush along the high roads. The war, indeed, which has been called a war of independence, and fills so large a part of the annals of England and Scotland during the Middle Ages, was successful so far as its main object was concerned, the preservation of power in the hands of "barbarous chieftains who neither feared the king nor pitied the people;"[1] the war was a miserable failure if we regard the well-being of the people themselves and the progress of the nation.[2] The government which supplanted that of Edward was both degrading and demoralizing to the people of Scotland,[3] and destructive of all kingly power and influence.[4] War sometimes calls forth the heroic

been scarcely anything but the unmanufactured produce of our country, wool, skins, hides, and the salmon of our rivers. The state of trade contrasts painfully with the larger transactions, evident opulence, and trading enterprise of Scotland under the last Alexander."—Innes, *Scotland in the Middle Ages*, pp. 249, 250.

[1] Dr. Robertson's *Hist. of Scotland*, book i.

[2] In the reign of James I. (1424-1436), the arms and armour used in Scotland came from England or Flanders.—Pinkerton's *History*, vol. i., p. 163. The simplest implements of agriculture, horseshoes, cart-wheels, harness, saddlery, were imported from Flanders.—*Libel of English Policy*, *Political Songs*, ed. Wright, vol. ii., pp. 157-205; Pinkerton, vol. i., p. 408; Macpherson's *Hist. of Commerce*, vol. i., p. 375. Even in the best parts of Scotland the inhabitants could not manufacture the most necessary articles. —Mercer's *Hist. of Dumfermline*, p. 66.

[3] Innes, *Scotland in the Middle Ages*, p. 199.

[4] Both the democratic and kingly powers were swallowed up by the aristocracy of Scotland, which possessed all political power from this date until the accession of James VI. to the throne of England.—See Essay of Fletcher of Saltoun, *On the Antient Rights and Power of the Parliament of Scotland.*

virtues, but such a war as the War of Scottish Independence fostered little save the despicable vices of fraud and greed, habits of lawlessness, and the spirit of revenge and relentless cruelty, on either side of the border.

As though the war with Scotland was not the cause of sufficient evils to this country, in 1338 broke out the hundred years' war between England and France. It is somewhat difficult to understand, or at least to state the real grounds of that war. It appears to have been provoked by feudal demands made by the King of France upon Edward III. when called upon to perform homage for his continental possessions. It was embittered by the relationship the two kings bore to each other.[1] Trifling disputes on the frontier led to the outbreak of hostilities, and when war had been declared Edward was stimulated to make a formal claim for the French crown, a claim which made the war endless, except in the exhaustion of one or both of the competitors. The claim of Edward was not without a fair share of justice; it was one, however, in which the English people had no concern, and which, if successful, would have destroyed English independence, and probably English liberty as well. It not only checked the increase of population in England, it so greatly diminished it that soldiers could no longer be raised for war, nor sheriffs nor escheators be found for the civil duties of the state;[2] it arrested the prosperity of Normandy;[3] it depopulated France, and filled the whole French territory with the most frightful anarchy. This war, which extended from 1338 till it died out from the exhaustion of the two peoples in 1450, was interrupted during this period by short truces, and by formal signatures of peace. Men from time to time grew weary of the war, even though they had no real desire for peace, and there were pauses in the work of mutual slaughter when pestilence swept impartially

[1] "More than half the wars which desolated Europe had been waged between sovereigns who were nearly related."—Lecky's *Hist. of England in the Eighteenth Century*, vol. i., p. 104.

[2] 9 Hen. V., stat. i., cap. 5.

[3] *Chron. de Froissart*, t. iii., p. 136.

over both lands and filled the graveyards,[1] and the supplies of men fell short of the needs of the battle-field, or when money could neither be wrung from the land, nor extracted from the wool on its way to Flanders, and when the mercenary troops mutinied against their leaders and refused to fight without the payment of their wages. With the exception of these intervals, hardly to be called intervals of peace, the war between England and France raged for more than a hundred years.[2]

A truce, however, even of this sort, brought no cessation of the evils of war to the unhappy people of France. With peace came a disbanding of the troops which had flocked to the banners of Edward III. and his son, the Black Prince, or to those of Henry V. and his brother, the Regent Bedford, or had rallied round the standard of the French king. A large part of these soldiers were mercenaries, and as the disbanding of these forces often took place without the full settlement of their claims for pay, these men, athirst for plunder, had naturally no regard for "signatures of peace," or "proclamations of truce," and continued on their own account to make war upon the unhappy peasantry.[3] The usual horrors of war were thus aggravated by the release of the troops from that degree of discipline which a successful commander was sometimes able to enforce. The ravages of an English army on a hostile soil were terrible,[4] the ravages of

[1] It is estimated that at the time of the "black death" France lost one-third of its people by pestilence. This is a very moderate estimate.—Sismondi, *Précis*, tom. i., p. 327.

[2] "Reckoning the wars which sprang from the war between Edward and the King of France, it lasted much longer. It led to a war between the two races lasting more than five hundred years."—Rogers' *Hist. of Prices, &c.*, vol. i., p. 105.

[3] *Hist. de Bertrand du Guesclin*, par Simon Luce, p. 277. One company of miscreants which boasted that they had no leader—*gens sine capite*—held possession of a large part of France, and plundered and murdered at their discretion.—Walsingham, *sub anno* 1357; Froissart.

[4] The plunder brought to England was very large. "Nam nullius nominis erat femina quæ non aliquid de manubiis Cadomi, Calesiæ et aliarum urbium transmarinarum, vestes, furruras, culcitras et utensilia, possidebat, mappæ mensales et monilia, cyphi murrei et argentei, linthea et

the French troops in their own country were not less terrible, the ravages of roving bands of half-disciplined soldiers, who were almost all robbers by instinct, were still more terrible, and behind all these, more terrible if possible than the English or French armies, or the "free companies," were the gangs of criminals let loose from prison to do all kinds of villainy, and the bands of infuriated peasants robbed of their homes, who sallied forth from the woods or caves which had sheltered them and burnt up what in their hasty marches the troops had left undestroyed. No regard for station, or age, or sex was there—no difference was made between friend and foe. At no time in the whole history of France was misery so universal and so prodigious.[1] All who possessed were plundered. Happy, indeed, were those who escaped after being plundered. In the rural districts of France the passage of the ravagers was traced by blackened ruins, by desecrated churches, by devastated fields, by the mutilated bodies of women and children, and by the wild animals which glutted themselves on the foul banquet of human flesh. War has never put on a more ghastly aspect. Of those whose bodies lay unburied, we are told that some had been slain by husbands and parents to save them from the lingering horrors of starvation.[2] Large tracts of land formerly among the most fertile in France were converted into scrub or forest untenanted by a single inhabitant. From the Somme to the frontiers of Germany, a distance of three hundred miles, the whole country was a silent tangle of thorns and brushwood. The people had all perished or had fled for shelter to the towns to escape the merciless outrages of armed men.[3] They hardly found the shelter they sought; the towns suffered as the country districts suffered, and herds of wolves, driven through lack of food from the forests, sought their prey in the streets. In the towns, however, the monotony of assas-

lintheamina, sparsim per Angliam in singulorum domibus visebantur."—Walsingham, *s. a.* 1348.

[1] *Chron. Gerardi de Fracheto* in Bouquet, t. xxi.; Rogers' *Hist. of Prices, &c.*, vol. i., p. 79.

[2] Duchesne, *Hist. de France*, t. ii., p. 89.

[3] Amelgard, lib. ii., cap. i., quoted in Brougham's *House of Lancaster*, p. 317.

sination and murder was broken by murderous executions on a grand scale. War outside the walls stimulated the fiercer war within ; starvation clung close to the footsteps of war ; strange forms of disease which the chroniclers of those times sum up in the names of "black death," or "plague," were born of hunger and overleapt the highest barriers, pierced the strongest walls, and ran riot within the overcrowded cities. Two-thirds of the population of France, it has been computed, fell before the terrible self-infliction of war, pestilence, and famine. It is difficult to write of these evils without seeming to use the language of exaggeration; in truth, no words can paint the awful sufferings of the French people in those days.

Whilst this was the state of all the provinces of France, Paris reeked with blood. Gaunt women, with the hardly breathing skeletons of children in their arms, filled the streets with their outcries for food, and tried to stifle the gnawings of hunger by their passionate pursuit of those whom they accused of being the authors of their sufferings. At one time the Duke of Burgundy was denounced as the parent of their wrongs, and accordingly his partisans died ; at another time it was the Duke of Orleans who had caused these evils, and his friends died in their turn, and then Burgundy and Orleans were both set aside, and new victims were found in the Jews of Paris, who were accused of poisoning the wells and springs of water, and were burnt in enormous funeral piles, amid the applause of a maddened populace. For a time half-a-dozen butchers, with the skinner Caboche at their head, were the authorities who ruled over the chief city of France.[1] Paris recalled the picture which the Jewish historian has given of Jerusalem when about to fall into the hands of the Romans. Profusion and waste and luxury in all its forms were there side by side with misery and want and death. Debauched youths and men-at-arms, a grotesque rabble of flagellants, picturesque processions of penitents, and mobs of mocking sinners were unable to still the pangs of hunger or the thirst for revenge by mere excite-

[1] See Sismondi, *L'Histoire des Français, s. a.;* Michelet, *Hist. de France*, tome cinquième, Paris, 1876 ; Guizot, *Hist. des Français.*

ments like these. The evil was too deep and too intense for such shows. Secret murder by poison and the dagger and open murder reigned without check ; an infuriated people, untamed as wild beasts ; a lunatic king ; an abandoned queen parading her incestuous relations with her husband's brother, and a mad profligate swarm of princes of the blood royal, and princes not of the blood royal, but proud of their bastardy, and justifying their claims by their shameless licence, heaped ruin upon France.[1]

More evil in its consequences to France than military licence and even such sufferings as these were the moral effects of this state of anarchy. All social ties seemed to have snapped asunder. The ruler and the ruled—or those who might have been ruled had any right to rule remained—vied with each other in their disregard of all the commandments of God. Truth was scoffed at, perjury remained unrebuked. The foundations of social morality seemed to be breaking up, till human nature, satiated with evil and tired of the excitement of crime, though not repentant of its crimes, changed the course of its outward life and sank down into apathy or repose under Charles VII. and Louis XI.[2] The spirit of evil, however, was not cast out; the Jacquerie was the parent of similar evils under other names. Thus, with spasmodic outbreaks of Leaguers and Frondeurs, the history of France went on to the despotism of Louis XIV., the loathsome depravity of the court of Louis XV., and as a result of this, to the wickedness of "the reign of terror" at the end of the last century.[3]

It was impossible that France should be thus shaken to the centre without the rest of Europe feeling somewhat of the shock of the convulsion. Nations are so bound together that

[1] *Journal de Paris sous les règnes de Charles VI. et de Charles VII.*, *Mémoires pour servir à l'Hist. de France et de Burgoyne;* Monstrelet; Alain Chartier, *Chron. Religieux de Saint-Denys*, tom. iii.

[2] Michelet, *Hist. de France*, tome sixième, edit. Paris, 1876 ; Cherrier, *Hist. de Charles VIII.*, tome premier, Paris, 1868 ; Sismondi, *Precis de l'Histoire des Français*, tome second ; Michelet, *Hist. de France—Henry IV. et Richelieu—Richelieu et la Fronde—Hist. de la Révolution Française*, tome premier ; Hallam's *Hist. of Middle Ages*, vol. i., chap. i, part ii.

[3] Crowe's *History of France.*

they suffer in the sufferings they inflict upon others. Much of the licence, the crimes, and dishonesty which mark the close of the fifteenth century in England may perhaps be traced to the existence of similar disorders in France. Be that as it may, the evil has been handed down to our own days. The hatred of "the privileged classes," the impatience of authority implanted in the nature of the French people, if it did not take its beginning in these days, was without doubt strengthened by evils which they then suffered.[1] The rivalry and animosity between England and France which has endured to our own times, sprang up during "the hundred years' war." That rivalry became the source of many a future war undertaken to guard against imaginary dangers, and waged to prevent combinations which have never taken place.[2]

The war between England and France, which brought great sufferings upon both peoples, but especially upon the latter kingdom, was felt in many ways in England. This country suffered by the heavy weight of taxation for the purposes of war; its trade suffered, as trade always suffers when peaceful communications are interrupted; it suffered indirectly by every injury inflicted upon the trade of France, but, besides this, it suffered directly from the pirates and privateers which swarmed in the North Sea "betwixt Middleburgh and Orwell,"[3] and in the British and Irish Channels. The crews of these vessels were sometimes French and Flemings, often Scotch, and even English—a motley band of outlaws, sanctuary men, and desperadoes of various countries, who seldom cared about the nationality of the vessels they captured.[4] All that could be swept from the sea was considered

[1] Sismondi's *Hist., s. a.; Rev. des Deux Mondes*, Jan. 1858, p. 204.

[2] Barrington on *Antient Statutes*, p. 56.

[3] Chaucer, *Prologue* in *Cant. Tales.*

[4] *Rolls of Par.*, vol. iv., p. 255. "Certeins gentz appellez Roveres sur la meere, q̄ux sont Larons utlagez, fugitivez et lieux q̄ ount forjurez et banyshez hors de diverse roialmes et autres tielx semblez et sount sustenuz et maintenuz per lour roberies et raveinez des biens et merchandises de cest roialme et autres, a graunde destruction et anientisement dez plusours dez ditz lieges."—*Ib.*, p. 376.

fair prize of war.[1] These pirates sometimes ventured to attack the armed galleys of Italy, which in those days engrossed the chief part of the trade with England, France, and Flanders.

War upon land was at all times sufficiently barbarous. Prisoners taken on the battle-field were the property of their captors. Practically it rested with the victor to decide whether he would save his prisoner alive till he could be ransomed or would put him to death on the field. If too poor to promise much in the way of ransom, the soldiers who made up the rank and file of an army were commonly slaughtered. Even commanders who had a fair character for their chivalry did not hesitate to kill those who might hamper their advance or endanger their retreat.[2] War, however, at sea was carried on more barbarously than even war on land. The crews and passengers of captured merchant vessels, whether taken after resistance or not, were frequently tossed overboard, sometimes with their hands tied behind their backs, or were hung up along the yards of their vessels, or murdered upon the deck in cold blood. It mattered little whether it were a time of war or of peace—no truce on land was of force at sea. The treatment which captured seamen met with depended solely upon whether lust for blood or greed for money preponderated at the time of their capture. In these barbarities the English were not outdone by foreigners.[3]

Piracy in the Middle Ages was not considered to entail any stigma upon the adventurer. Pirate indeed was not a name of reproach. In 1322 a mariner belonging to Winchelsea seized and plundered an English vessel freighted and owned by merchants of Sherborne in Dorset; this act, however, did not hinder the pirate from becoming mayor of Winchelsea a few years later. A century later, an abbot of St. Augustine in

[1] *Paston Letters*, vol. i., p. 85 (edit. Gairdner). There seemed to have been no law as to capture at sea. James, heir to the crown of Scotland, was captured by Henry IV. at sea during a time of truce, and kept prisoner in England for nearly nineteen years.

[2] This was done both by Edward the Black Prince and by Henry V.

[3] Southey's *Lives of the British Admirals*, vol. ii., pt. i., p. 59; Wylie's *Hist. of England under Henry IV.*, chap. xxviii.

Canterbury was convicted of plundering a wine vessel, and compelled to restore the proceeds of his piracy, and to pay the injured parties for the loss of their goods and for the expense to which they had been subjected in prosecuting him.[1]

These rovers kept the shores of both countries in constant alarm. The east and west coasts of England equally with the south were a prey to them. The shepherds of Anglesea and Carnarvon and the burghers of Flint and of the towns in Lancashire and Westmoreland fled inland when the blaze of the beacons gave warning of the landing of the crews of these privateers. The seamen of the Cinque Ports made their own treaties of peace with the shipmen of France, as though each had been an independent power.[2] These private treaties gave, however, only a fitful and precarious peace. In spite of treaties, in spite of booms and chains thrown across the mouth of the harbours from Fowey and Plymouth by the west,[3] to Rye and Sandwich on the east of the same coast,[4] and along the Norfolk and Suffolk shores to Hull, York, and Berwick[5] on the North Sea, and in spite of the vigilance of the watch by night and day, and the beacons along the cliffs,[6] town after town was

[1] *Sussex Arch. Collect.*, vol. iv., p. 110 ; Southey's *Lives of the British Admirals*, vol. ii., p. 59.

[2] *Fifth Report of Hist. Commission*, p. 542.

[3] This precaution was observed after the Middle Ages. Of Plymouth we read, "The haven is sufficiently fortified on all sides, and chained over when need requireth."—Risdon, *Survey of Devonshire*, p. 203 (edit. 1811).

[4] The harbour of Rye was protected by a boom.—*Fifth Report of Hist. Commission*, p. 545. Notwithstanding this it was burnt and plundered by the French in 1377.—Walsingham, *Ypod. Neust*, p. 327 (Rolls). It was burnt again in 1448.—Jeakes' *Charters of the Cinque Ports*. The mouth of the Dart was defended by a chain for the protection of Dartmouth.

[5] *York*. See Davies' *Walks through York*, p. 192. *Hull*. The chain is mentioned in 1269 ; it was still in use in the fifteenth century.—Frost's *Ancient History of Hull*.

[6] "Watchmen were set in diverse manners, I will tell you how. Gascony pipes emptied of wine and filled with sand, were piled in columns one upon another, and on the top of these pipes were platforms upon which men sat night and day keeping watch and looking towards the sea. Their orders were, if they saw the French fleet approach, to light torches there, that beacon fires might continually be kindled along all the heights to raise the country."—Froissart in Southey's *Admirals*, vol. i., p. 360.

sacked and destroyed, and the townsmen killed by the crews of these privateers. The Isle of Wight being especially exposed to these raiders, was almost depopulated. The whole south coast, however, was impartially overrun and devastated.[1] The Isle of Thanet was ravaged in harvest time, and its wheat crops destroyed. A few years before Dover had been burnt in defiance of the garrison in its castle.[2] Sandwich, then a rich and important port, was repeatedly attacked, and several times burnt to the ground. When taken its inhabitants, men, women, and children, were usually all slain. This town never recovered from the ruin caused by the last of these attacks.[3] Winchelsea,[4] Hastings, Tarring, Portsmouth, Southampton,[5] Poole, Teignmouth, Plymouth, and, indeed, almost every town and village along the south coast and round as far as Bristol, were burnt during this war with France. Wherever, indeed, there were townsmen who could be plundered, and houses which could be fired, these active rovers were to be found. Even the little villages of Cornwall, which might have been thought safe because of their obscurity, were sacked and burnt.[6] The traders of Winchelsea were not secure within the walls of their city. Along the bank of the Wansum the towers still remain which were built to support the chain which it was hoped might save Norwich from attack.[7] The people of Salisbury threw up a strong rampart, and dug a ditch sufficiently deep to protect their city and their noble cathedral from such visitors. Guernsey was overrun; its people plundered and killed by private adven-

[1] Walsingham in *Hist.*, vol. i., p. 341 (Rolls); *Contin. ad Chron. Murimuth*, p. 229 (ed. Hog); Worsley's *Hist. of the Isle of Wight*. In this year, 1377, the islanders paid one thousand marks as a ransom and bound themselves for a twelvemonth to give free access and egress to the French.

[2] Murimuth, p. 89 (edit. Hog). [3] Boy's *Sandwich*.

[4] Walsingham's *Hist.*, vol. i., pp. 287, 341, 438; *Ypod. Neust.*, p. 332; *Hist. de Guesclin*, par Simon Luce, p. 307.

[5] Walsingham, *s. a.* 1337; Murimuth, p. 229; *Sixth Report of Hist. Commission*, p. 555; Davies' *History of Southampton*, who says that this destruction took place on Sunday, Oct. 4, 1338.

[6] Walsingham, vol. i., p. 374. [7] Blomefield's *Norwich*.

turers from the French coast; and the island remained for a time in their possession.[1] Dartmouth and Rye were burnt, and restored and repeopled, and again burnt.[2] The people who should have gained their bread by fishing, or by tilling the lands near the south and south-eastern coasts, fled inland, and the fields on the coast line lay untilled, whilst the small ports adjoining fell into ruin.[3] If a traveller, impatient of the slow and difficult journey over what were once roads, was tempted to shorten his journey by taking passage in a coasting vessel, he did so at the risk of being seized within sight of land by the pirates who infested every sea, and lived by plunder. It will be "perilous dwelling by the sea coast," writes Agnes Paston to her son,[4] unless "the sea may be better kept than it is now." Perilous, indeed, it was to live by the shore when peaceful townsmen and yeomen might be surprised during their evening walk, and carried off captives "by the said enemies when it pleased them," or put to death, unless they paid a heavy ransom for their lives. So little did these pirates dread interruption that they landed, and, to the indignation of their victims, enjoyed themselves in open day, "as homely as if they were Englishmen."[5] French privateers entered the Medway, pillaged the towns and villages, and fired the farmsteads along its banks for a considerable distance inland; others lurked in the Thames, or blockaded the mouth of the river; burnt Gravesend and the hamlets on the Essex and Kentish shores,[6] and captured the vessels both of hostile and of friendly states, and seized the ferry boats and robbed the passengers on their way from Gravesend to the opposite side of the river.

The panic caused by these devastations, and by the presence of privateers in the Thames, was felt inland as well as in the Cinque ports and along the borders of the Medway. The

[1] Berry's *Hist. of Guernsey*, p. 84.
[2] Roberts' *Social Hist. of the Southern Counties*, p. 67, &c.
[3] *Rolls of Parliament*, t. iii., p. 255.
[4] *Paston Letters*, vol. i., p. 114 (edit. Gairdner).
[5] *Ib.*, vol. i., p. 115; *Chron. Minor S. Benedicti de Hulmo*, p. 439 (Rolls).
[6] *Contin. ad Chron. Murimuth*, p. 241.

streets of London which opened upon the river were defended by chains, so as to hinder any landing of the enemies' crews within the bounds of the city.[1] Still further to defend the capital from privateers, John Philpot,[2] a large-spirited and wealthy merchant of London, offered to build at his own cost a stone tower "sixty king's feet in height," near Ratcliff, provided the corporation of London would levy sixpence in the pound on the rental of the city, and build a corresponding tower on the opposite side of the river, so that an iron chain might be stretched from the one tower to the other, to protect the shipping on the river from night attacks. The danger was so imminent that the common council agreed to Philpot's proposal, but as the alarm died away this scheme of defence was laid aside.[3] That some defence was necessary for the protection of the commerce of London was made evident by an incident which occurred a few years later. When Henry IV., in order to avoid the pestilence raging in London, crossed from Queensborough in Sheppy to Leigh in Essex on his way to Plashey, though convoyed by Lord Camoys with "certain ships of war," he narrowly escaped capture by these pirates, who "followed the king so neere that if his ship had not been swift he had landed sooner in France than in England."[4] Four vessels containing part of his baggage and retinue, together with his vice-chamberlain, were, however, less fortunate than the king, and fell into the hands of the enemy.[5]

These attacks on the ports and portlets along the south coast of England were often repelled. The fact, however, that they were so frequently made with success, and were attended by such barbarities, held all the channel towns in alarm.[6] In

[1] Riley's *Memorials of London*, p. 444.

[2] Lord Mayor of London, A.D. 1378.

[3] Riley, *Memorials*, p. 444.

[4] Holinshed and Hall.

[5] Lord Camoys was tried upon a charge of having correspondence with the enemy, and with plotting to betray the king into their hands. He was acquitted. Hall however uses words which seem to imply that his innocence was regarded as doubtful.—Holinshed, Hall.

[6] See the old Cornish song "John Dory," Ritson's *Ancient Songs* ed. Hazlitt, p. 197.

1404 the townsmen of Dartmouth, assisted by the peasants near the town, repulsed the serious attack of a Breton fleet, manned by twelve hundred veteran troops, killed the admiral, and slew and captured a large part of the enemy's force, a success which was revenged a few months after by the surprise of Dartmouth, the slaughter of its people, and the burning of the town.[1] About the same time the inhabitants of the Isle of Wight successfully warded off an attempt to land on their shores; and the men of Weymouth foiled an assault of these privateers on the Isle of Portland. But whether successful or otherwise, the state of alarm which reigned throughout the southern counties of England hindered the regular and peaceful pursuits of trade and agriculture, and reduced the lands exposed to the sudden attacks of these rovers to a waste without inhabitants.

Whilst conquests were being made and yet more rapidly unmade, and levies of men were marching to Sandwich, Rye, or Southampton on their way to France, and the remains of former levies were painfully toiling their way back to England, small in number but great in the fame of their exploits, the attention of men was diverted from home cares and home suffering, and in after times the historian has been too busy with the profitless glory of Crecy and Agincourt,[2] with the deeds of Talbot and the Maid of Orleans, to give much thought, or even to inquire much, into the condition of the rural and town population of England in those days. We go too often to history as to a spectacle; and our attention is rivetted with glaring foot-lights and shining armour and waving banners. These things, indeed, make up a striking foreground, but they put out of view scenes of another kind. Agents far more destructive than war were desolating the land, and enemies

[1] Walsingham, vol. i., p. 261; Sir Harris Nicolas' *History of the Royal Navy*, vol. ii., pp. 361-4.

[2] "Unfortunate for England was the success which attended our army on the field of Agincourt. A defeat at that period would in all probability have decided the contest, while success could produce only the effect which did ensue, a prodigious waste of human life and human comfort."—Hunter's *Hallamshire*, p. 64 (edit. Gatty).

more silent in their ravages, but more effective for ruin, were abroad in England.

Whilst the northern counties, up to the walls of Lancaster and the banks of the Mersey on one side of England, and to the gates of York and the mouth of the Humber on the other, were being ravaged by the Scots,[1] and whilst French, Flemish, Scottish, and other pirates were burning the towns and killing the inhabitants on the east, the west, and the south coasts of England, or carrying them off as slaves,[2] two other enemies were let loose upon this country. Famine and pestilence, the fruits of war, destroyed what man failed to reach. The greater part of the twenty years' reign of Edward II. were years of want, consequent on a series of unproductive harvests.[3] The sufferings of the peasantry in these years were intense. Wheat and rye were several times at famine prices. The price of wheat frequently exceeded six shillings the quarter—a sum more than equivalent to as many pounds of our money. In some parts of England it rose to three or four times that amount.[4] Proclamations were put out "to cheap victuals," but, the chroniclers add, "it availed not."[5] Victuals could not be bought at any price.[6] The mortality among sheep and cattle was so

[1] *Chron. de Lanercost*, p. 240; Walsingham, vol. i., p. 158; Capgrave's *Chron.*, p. 184. Ten years after the accession of Edward II. the Scots penetrated into England as far as Richmond, and only retired on receiving payment for not pursuing their success by burning the town and slaying those who had taken refuge in the castle.—Ridpath; *Archæologia*, vol. xxvi., p. 319.

[2] "Whereas . . . the king's poor subjects dwelling nigh the sea coast are taken by the king's enemies out of their own houses with their chattels and infants upon the land, and carried by the said enemies where it please them."—Preamble, Stat. 20 Henry VI., chap. i.

[3] "MCCCXV. Magna multitudo fame perit."—*Ch. Minor S. Bened. de Hulmo*, p. 437; Rogers' *Hist. of Prices, &c.*, vol. i., p. 7.

[4] Gregory's *Chron.*, p. 75; *Chron. le Baker* (ed. Giles), p. 59; Murimuth (ed. Hog), p. 24.

[5] Capgrave's *Chron.*, *s. a.* 1314.

[6] This consequence of war is thus noted in some "concyderacions wherfore alle manere of vyttelle hath been so dere," dated 1529: "Fyrst the kynges warres owtwarde . . . for yt was neuer seen butt in tyme of owtwarde warre darthe alweys hath ensued."—*Ballads from Manuscripts* (Ballad Soc.), p. 18.

great that the poor, unable to procure other meat, ate the flesh of domestic animals, and were glad even to devour the carcases of beasts which had died of the murrain. These, however, died so fast that this supply soon came to an end. Many who ate of this unwholesome food died. We are told that even when dogs and ravens tasted the flesh of the animals which had died of the murrain they dropped down and died in consequence.[1] Famine from this date was so common in England that all attempts to specify the years of scarcity would only mislead. The recorded prices of wheat, barley, and rye are not an infallible criterion of plenty or of dearth. Things are dear or cheap in proportion to the ability of the people to purchase; and the purchasing power of the people declined after the death of Edward I., and continued low so long as the drain made by war upon the resources of the people lasted.[2]

From the middle of the thirteenth century, until the end of the fourteenth, the average price of wheat throughout England was a little below six shillings a quarter for a great part of this period, or nearly six pounds of money of present value—a sum which we should now consider excessively dear.[3] In many parts of England it never sank so low as six shillings a quarter; and for more than a third of these hundred and fifty years the price of wheat in the cheapest counties was in excess, often largely in excess, of this sum;[4] so that every third year was a year of scarcity, and almost the whole period one of high prices. Wheat at such times entered in very moderate proportion into the loaf of the great bulk of the population. In a period of scarcity chest-

[1] Walsingham, *s. a.*; Capgrave; "Whan the bestes were ded dogges would not eat of the flesch."—Stow.

[2] "Non propter copiam bladorum sed propter monetæ defectum."—*Contin. ad Murim., Chron.*; "tanta fuit rerum copia et ceris inopia."—Walsingham, *Chron.*

[3] "The average price of wheat during the years 1261-1400 is 5*s.* 10¾*d.*"—Rogers' *Hist. of Prices*, vol. i., p. 218.

[4] For London, see Gregory's *Chronicle* (Camden), p. 29. For Durham, *Hist. Dunelm. Script. tres.* (Surtees), p. 96. For Devonshire, Oliver's *Monast. Exon.*, p. 359.

nuts and acorns, fern roots, and the bark of trees, vetches, and other seeds supplied the place of corn at the tables of the poor; whilst the flesh of dogs, rats, and cats was substituted for that of sheep and oxen.[1] In times of great scarcity, we have accounts of food made use of by the starving people in town and country more unnatural than this.[2]

Murrain was the common name given to various forms of pestilence to which animals were subject, and the ravages of murrain were scarcely intermitted during the hundred and fifty years from the end of the thirteenth to the middle of the fifteenth century. To cite in illustration but two out of many instances of destructiveness—one from the north of England, the other from the south. In the first year of the reign of Edward III., the nuns of Nostell, near Wakefield, enumerate their loss during the previous year at twelve hundred sheep, fifty-nine oxen, and four hundred cows and calves.[3] This, however, was largely exceeded by the loss of cattle on the lands of the monks of Christ Church, Canterbury, who, in 1350, stated to the archbishop that during the previous year they had lost by murrain two hundred and fifty-seven oxen, five hundred and eleven cows and calves, and four thousand five hundred and eighty-five sheep.[4] In large tracts of country when the murrain had subsided no oxen remained for the plough, and horses, then seldom used for this purpose, were substituted for oxen. In some places, we are told that no cows remained to give milk. The geese and other domestic poultry were swept away by disease,[5] and honey rose

[1] *Chron. of London*, ed. Nicolas, A.D. 1316-17.

[2] "Horse flesh was counted great delicacies, the poor stole fat dogs to eat, some in hid places did eat the flesh of their own children. The thieves that were in prison did pluck in pieces those that were newly brought among them, and greedily devoured them half alive."—Stow. "The poor people steal children and eten them and thanne anon after there felle a gret pestilence among the people."—*London Chronicle.*

[3] Dugdale's *Monasticon*, vol. vi., p. 90 (Bandinell and Ellis); Oliver's *Monast. Exon.*, p. 359.

[4] *Fifth Report of Hist. Commission*, p. 444.

[5] *The Priory of Hexham* (Surtees), vol. i., Append. lxiv.; *Chron. de Lanercost*, p. 240.

in value, and almost disappeared from the markets, because the bees had died from murrain.[1] The whole atmosphere was tainted with pestilence, arising from the number of unburied cattle on which neither beasts nor birds of prey would feed.[2] In order to check the progress of this "cattle plague," labourers were told off for the special duty of removing and burying the carcases of oxen, cows, sheep, and pigs which had died of murrain.[3] Wheat shrivelled in the furrows. It seemed to the suffering people that even the herbs they plucked for medicine were infected with the pestilence.[4] Meat in a sound state could hardly be had, and the usual diseases which follow upon insufficient and unwholesome food choked the graveyards, and compelled the living to bury their dead in large pits opened in the common fields.[5]

The fifteenth century differed little from the fourteenth. It was distinguished, however, by greater and more sudden fluctuations in the price of wheat and rye than the hundred years before. Frequently the price of bread rose threefold within a few months. The roads were worse than at the end of the thirteenth century; they had been neglected during the progress of foreign and domestic war; and corn could not be carried to a distance from the fields where it had been grown. Want followed, not in one part or another of the country, but, as the chroniclers tell us, *in omnibus partibus Angliæ*,[6] throughout all England. In addition to the decay and absence of

[1] In one year, 45 Edw. III., ten hives out of a stock of eleven were lost by murrain near Heacham, in Norfolk. This murrain of bees continued for twenty years.—*Archæologia*, vol. xli., p. 5. In Rogers' *Hist. of Prices*, honey disappears from the list, 1307-1328, vol. ii., p. 406.

[2] Knyghton Twysden in *Dec. Script.*, p. 2599.

[3] Cadaverators was the name invented for these labourers.—*Archæologia*, vol. xli. Lands at Holicote in Somerset were held of the king "by the service of hanging, upon a certain forked piece of wood, the red deer that died of the murrain in the king's forest of Elmore." Inquisit. 35 Edw. I.—Blount's *Tenures of Land*, p. 162 (Hazlitt).

[4] "Medicinales herbæ . . . virus pro virtute reddebant."—Trokelowe.

[5] *Chron. Galf. le Baker*, p. 109.

[6] Knyghton, p. 2737. I differ, with hesitation, from Mr. Rogers, who, in his interesting volume, *Six Centuries of Work and Wages*, says, "I have

roads, local regulations and jealousies prevented the transit of provisions from one part of the country to another.

By an act of parliament passed in 1437, the exportation of wheat and barley was permitted so long as wheat had not reached the price of 6*s.* 8*d.* a quarter, and barley 3*s.*[1] This act having remained in force for one parliament, was renewed four years afterwards for a period of ten years, and three years after this, the renewal was made "perpetual."[2] By an act passed in the reign of Edward IV. the importation of wheat, barley, and rye was permitted whenever wheat exceeded the price of 6*s.* 8*d.*, barley 3*s.*, and rye 4*s.* a quarter, "at the port of importation."[3] Grain, however, during the whole of the fourteenth and fifteenth centuries was subjected to great fluctuations in price, and the cheapness of one year was succeeded by the famine price of the next. In 1399 wheat was quoted at 6*s.* 2*d.* the quarter; in 1400 it rose to 16*s.* In 1434 it reached the price of 26*s.* 8*d.*; in 1438 it was at one part of the year as high as 24*s.*, and a few months after had sunk to 10*s.* a quarter. In 1439 the highest price reached was 26*s.* 8*d.* a quarter, the lowest 8*s.* Next year the fluctuation was still greater;[4] wheat was sold at one part of the year at 4*s.* 2*d.* the quarter, at another time in the same year at 25*s.* for the same quantity. In 1454 wheat fell to 10*s.* a quarter, and in the next year sank still lower, and touched 1*s.* 2*d.* a quarter. Under

no doubt that there were local scarcities, possibly local famines," and he adds that "the means of communication between the producer and the market were good" (p. 62)—statements which appear to me destructive of each other; for if the roads were good and "the cost of carriage very low" (*ib.*), there could hardly be famine in one part and plenty in another, but (1) Mr. Rogers gives no authority for his opinion, and the chroniclers speak not of local, but of general famines; (2) with good communications these writers could not have been so ill-informed as to mistake a local for a general famine; only in the event of a want of good communications could a local famine become general, but (3) the cited prices in Mr. Rogers' *History of Prices and Agriculture*, are often, during this period, famine prices.

[1] 15 Hen. VI., cap. ii.

[2] 20 Hen. VI., cap. vi.; 23 Henry VI., cap. ix.

[3] 3 Edw. IV., cap. ii.

[4] *The English Chronicle* (Camd. Soc.), p. 23.

this condition of the food supplies, famine was a constant scourge to England. Wheat, we have seen, was considered dear if it reached beyond 6*s.* 8*d.* a quarter; scarcity existed whenever it rose to 12*s.*, and 20*s.* was a famine price. In several years it reached to, and, as we have seen, exceeded this latter sum.[1] As the rate of payment for labour of all kinds was prescribed by law, these fluctuations in price necessarily brought want and starvation to the labourers. The statutes of labourers had fixed the amount of wages on the supposition that every year would be a year of plenty, or at least of sufficiency. When, then, a year of scarcity occurred—as it did about once in every five years, sometimes more frequently than this—the wages legally received by the agriculturist and artisan—and labourers, both in town and country, could be punished if it was proved that they had accepted a higher rate of wages—was insufficient to save the labouring poor and their families from want, and from the forms of disease caused by want.[2] With famine came pestilence, and the history of the English people cannot be understood without dwelling upon this, which is too often passed over by the historian.

From the accession of Edward II. the English chroniclers record frequent pestilences with great mortality, "especially of the poor."[3] These years of disease were often preceded by frequent rains, and sometimes by large inundations, which delayed the sowing of the land, and destroyed the cattle.[4] The memory of all ordinary years of sickness and death was, however, driven from men's minds by the ravages of the great

[1] A bushel of wheat was sold for xl[d]. and the poor people in diverse parts of the north country eat bread made of fern roots.—*Eng. Chron.*, p. 55.

[2] Walsingham, p. 147 (Rolls).

[3] *Chron. Petrob.*, ed. Giles, *s. a.* 1316; *Chron. le Baker; Chron. Murimuth;* Gregory's *Chron.* (Camden Soc.), p. 79. The pestilence recorded by Knyghton, "præcipue in comitatu Leicestriæ," though severe, was probably chiefly local.—Twysden, *Dec. Script.*, p. 2580.

[4] The Chinese annals at this period notice extensive inundations followed by pestilence in that empire.—Hecker's *Epidemics of Middle Ages.*

pestilence which desolated this country, as well as a large part of Europe[1] and Asia, during the years 1348-49. As though the greatness of the mortality of this year made previous visitations of pestilence, such as those of 1315, 1316, and that of 1340, of no account, this is spoken of by chroniclers as the first pestilence of the century.[2] It extended throughout Asia and Europe, from the eastern shores of China[3] to the coast of Galway in Ireland. In England it followed closely on a season of rain, which lasted with hardly the intermission of a single day from Michaelmas to Christmas. It was preceded and accompanied by a time of almost universal scarcity, in which men, women, and children died of starvation.[4] It was reckoned the first of the five great pestilences which raged in England during the latter half of the fourteenth century, and may be compared with the plague which swept over much of Asia, Africa, and Europe, during the reign of Justinian and his immediate successors.[5] The ravages of the "black death,"[6] as this plague is called, were so terrible that the evidences of its destructiveness occur in episcopal registers, in monastic chronicles, and in town records, as well as in the Statute book and in the Rolls of parliament. We may yet read that in many parts of England the numbers who survived hardly sufficed to bury those who had died.[7] Nor is this a figure of

[1] "Ne gli anni di Chr. 1346 et 1347, fu grandissima carestia in tutta la Christianità in tanto che molta gente moria di fame, e fu grande mortalità in ogni paese del monde."—*Anon. Istorie Pistolesi*, in Muratori, quoted by Hecker.

[2] Walsingham.

[3] Gordon's *Reports of Medical Officers of China*, p. 341.

[4] See details in Lowth's *Life of Wykeham*, p. 93 (2nd edit.).

[5] Gibbon, chap. xliii., *in fin.*; Gordon's *Reports of Medical Officers of China*, p. 329.

[6] "From the black spots, indicatory of a putrid decomposition, which appeared upon the skin, it was called in Germany and in the Northern kingdoms of Europe the black death, and in Italy la mortalaga grande, the great mortality."—Hecker's *Epidemics of the Middle Ages*, p. 2.

[7] "About the first of August, 1348, it began in the seaport towns on the coast of Dorsetshire, Devonshire, and Somersetshire, whence it drew up to Bristol, ... whence it came to Oxford, and about the first of November it

speech only. The nearest relatives shrank from the offices of charity and affection. It was death to be brought into contact with those who had sickened of the plague; which was so infectious, that it is said animals died from contact with the clothes of those stricken down by this pestilence. Whole houses perished; entire parishes were depopulated; villages and hamlets disappeared, and hardly left a trace behind of their former existence.[1] It has been computed that far more than half the population of England died during this terrible year. Sufficient proofs remain that this computation is far below the truth, though we may dismiss as an exaggeration the assertion that only a tenth part of the people of England remained alive, true as this may be of some towns and districts of the country.[2] At Colchester, which contained about four hundred burgesses, one hundred and eleven wills were registered in the town roll in this year, and probably at least as many burgesses died without making a will, for the interval between the attack of the "black death" and the death of the patient was but short.[3] At Norwich almost the whole population perished.[4] In London, York, and Bristol, in Hull, Leicester,[5] Yarmouth, and other places, far more than half the people died. In London four wardens of the Goldsmith's Company died in succession during the year. At least three-fourths of the secular clergy perished throughout England in this pestilence. In one diocese, that of Norwich, eight hundred and sixty-three rectors or vicars were appointed to livings.[6]

reached London, and finally spread itself all over England, scattering everywhere such ruin and desolation that of all sorts hardly the tenth part were left alive."—Barnes' *Hist. of Edward III.*, pp. 435, 436.

[1] Hecker, p. 4; *Chron. Galf. le Baker.*

[2] Walsingham; Hecker, p. 7.

[3] Morant's *Hist. of Essex.*

[4] Blomefield's *Hist. of Norwich.*

[5] "Moriebantur apud Leycestriam in parva parochia Sancti Leonardi plusquam ccclxxx: in parochia Sanctæ Crucis plusquam cccc: in parochia Sanctæ Margaretæ Leycestriæ plusquam vij. c: et sic in singulis parochiis in magna multitudine."—Knyghton.

[6] Blomefield's *Hist. of Norfolk.*

How many of the unbeneficed clergy, chaplains and others, died, we have no means of knowing. The diocese of Ely contained about one hundred and forty-five benefices ; of these ninety-two were vacated, some more than once, during the years of the great pestilence.[1] In some parishes five or six parish priests were instituted in succession to incumbents who had died of the plague in this fatal year. Of the monastic bodies an equal proportion perished. In the large and wealthy monastery of St. Albans, out of fewer than sixty inmates, forty-seven died of this plague.[2] At the beginning of the pestilence the monks of Ely were forty-three ; at the end of it they were but twenty-eight.[3] Some religious houses, indeed, lost all their inmates. It is said that this "first" pestilence was more fatal to men and boys than to women and young girls, and there remains evidence that this was so. When the "black death" had spent its fury, and it was necessary to supply the places of the parochial clergy who had died, illiterate laymen who had lost their wives, and raw youths below the canonical age, were hurriedly ordained, and sent into parishes destitute of clergy.[4]

The "black death" made its appearance in Ireland at the same time it did in England, was as destructive in its ravages, and is noticed in the local chronicles in words similar to those employed by the chroniclers of England.[5] It desolated the

[1] The register of Bishop de l'Isle has this note, *s. a.* 1349 : "Peste per universam fere Angliam et alias gentes immaniter sæviente."—Betham's *Hist. of Ely*, p. 161.

[2] *Chron. Angliæ*, 1328-1388 (Rolls), p. 26 ; Newcomb's *Hist. of St. Albans*, p. 242.

[3] Betham's *Hist. of Ely ;* "In quibusdam religiosorum domibus de viginti vix supererant tantum duo."—Walsingham, vol. i., p. 273 ; *Chron. Min. de Hulmo*, p. 437 ; Oliver's *Hist. of City of Exeter*, p. 74, note.

[4] Boccaccio in *Decam.*, giorni i., introd.; Hecker, p. 5 ; Barnes' *Hist. of Edward III.*, p. 440 ; Birchington in *Anglia Sacra*, t. i., p. 42 ; Knyghton, p. 2600 ; *Chron. Angliæ*, 1328-1388, p. 27. The classical reader will not need to be reminded of the incidents which accompanied the plague at Athens and are recorded by Thucydides.

[5] See *Ann. Hibern. Chron. digessit Frat. John Clyn* and *Chron. of Thady Dowling* (Irish Archæological Society).

towns and monasteries of Ireland with the same impartiality with which it ravaged England.[1]

The four other great pestilences of the latter half of the fourteenth century were of the same character as that of 1348-49. The second was less destructive—there was less to destroy because the country had not recovered from the desolation caused by the "black death;" so that the population was much smaller than at the time of that visitation. This pestilence resembled the former visitation, and was more destructive to men than to women, and to boys than to girls.[2] It lasted from August, 1361, to the beginning of May in the following year. Like the previous pestilence, it swept off large numbers of the parochial clergy, as well as members of the monastic bodies. It seems to have been more fatal among the upper classes of society than the previous pestilence had been. Seven bishops died at this time, as well as several of the nobility.[3] This pestilence was succeeded by a great scarcity, when corn advanced to a famine price, and by a murrain, which swept off a great number of cattle.[4] At this time we have, probably, the earliest distinct notice of the "small pox" in England.[5]

The third great pestilence of this half century commenced in 1368. It could hardly, indeed, be said that the country

[1] "In Dublina tantum a principio Augusti usque Nativitatem Domini xiiij millia hominum mortuis sunt." "In conventu Minorum de Drouda xxv et in Dublina apud eosdem xxiij fratres mortui sunt ante usque Natale . . . apud Kilkenniam viij fratres Predicatoris infra diem Natalem obierunt." —Clyn's *Chron.*, pp. 35, 36.

[2] "MCCCLXI. mortalitas puerorum."—*Chron. Min. S. Bened. de Hulmo*, p. 438. "Moriebantur maximè juvenes et infantes."—Knyghton, p. 2626. "Mortalitas hominum et maximè popularis."—*Ch. Petrob.* (Sparke), ed. Giles.

[3] Hecker, p. 4; Barnes' *Edward III.*, p. 438; Birchington, *Vitæ Archiepis. Cant.* in *Anglia Sacra*, t. i., p. 45.

[4] Will. Wyrcester, *Annales* (Hearne), p. 433; Roger's *Hist. of Prices*, vol. ii., p. 140.

[5] "1365. That time a seknes that men called the pockes slew both men and women through theyr infectynge."—*Chron. St. Albans.* "The first time that I have met with any account of the small pox raging in England."—Blomefield's *Hist. of Norfolk.*

was free from the pestilence of 1362. This third visitation of pestilence appears to have fallen with especial violence upon foreigners resident in England and unaccustomed to the unhealthy state of the atmosphere. It continued its destructive course for more than a year, commencing in July, 1368, and lasting until Michaelmas, 1369. This pestilence was followed by extensive inundations, and the cattle, which fed on the rank sour grass, were swept off by murrain.[1] As before, scarcity accompanied this attack of disease, and it is noted that wheat reached the famine price of three shillings a bushel, a sum equal to about fifty shillings of our present money, or upwards of £30 a quarter.

Other pestilences, attended with great destruction of men and cattle, and accompanied or followed as usual by famine, are recorded by various of our historians in 1370, and again in 1381-2. In 1376 the knights of shires, the citizens of cities, and burgesses of towns in parliament assembled besought the king and his council to take into their consideration the condition of the people and realms of England.[2] To the prevalence of the sin of covetousness and simony they attributed the evils under which the country was groaning. The kingdom, they said, was full of suffering. Of the various forms of suffering they enumerated "the wars, pestilences, famines, mortalities of the people old and young, and the murrain of cattle." The king promised to provide a remedy sufficient for the moment, though what the remedy should be he did not attempt to specify. The suffering commons, dissatisfied with the vagueness of the king's reply, suggested what might have proved, if not a remedy, yet at least some alleviation. They asked the king to procure "a stable peace between kingdoms."[3] Peace was made, but though the war had come to an end through the exhaustion of both France

[1] Murimuth, p. 205 ; *Chron. Angliæ*, p. 64 ; *Chron. Petroburg.*, ed. Giles, p. 172 ; Lowth's *Wykeham*, p. 94.

[2] *Rolls of Parliament*, vol. ii., pp. 337-8.

[3] "De faire bone paix entre roialmes." — *Rolls of Par.*, vol. ii., p. 340.

and England, plenty did not return. In 1396 broke out what is characterized sometimes as the fourth, sometimes as the fifth pestilence of the half century. The enumeration of distinct outbreaks of pestilence in a time of general pestilence is purely conventional. There is one feature, however, common to them all. Dearth accompanied them, and whilst they lasted the starving poor died in great numbers. It was so in 1396, and the fourteenth century closed in gloom.[1]

In 1399, on the accession of Henry IV., parliament presented an address to the king on the subject of the pestilence raging in Scotland. In this address the king was requested to increase the military power on the northern Marches, in order to prevent infected persons passing into England. The precautions taken proved to be ineffectual, or were useless in their nature,[2] or were made too late. The pestilence could not be arrested on the frontier; it forced its way into the kingdom, and in the following summer "great deaths chanced in the land," as they "chanced" in other lands, for the mortality was almost universal in Europe. As usual, pestilence did not come alone. In 1400 "wheat and other grains" began to fail in this country, and but for the importation of rye from Prussia a famine must have ensued. As it was the failure of the English harvest only produced scarcity.[3] With starvation, partial though it was, came discontent and insurrectionary movements throughout the whole of England against the new king, and as a consequence the invasion of Northumberland and Westmoreland by the Scottish armies. This was the

[1] "1390. Hoc anno fuit in Angliâ magna pestilentia, quam quintam pestilentiam vocebant." "Anno Domini 1391°. Nihil hic scribitur, quod regnum Anglia fuit in malo statu."—*Cotton MS., Galba*, E. vii., in Ap. to *English Chron.* (Camden Soc.).

[2] Holinshed. Walsingham says that the Scots were tempted to invade England because the pestilence in Northumberland had diminished the number of men fit to bear arms.

[3] "Scarcity of corn. Nevertheless, the mayor by good counsel sent his men over the sea with gold into diverse countries, and brought home corn, so that the price was well amended."—*Chronicle of London*, edit. Nicolas.

signal for war on the part of Owen Glendower, in which the lands along the Welsh frontier were ravaged. Other parts of England besides the border counties were in commotion, because in conducting the war the king "took the goods of the people, and paid not therefor."[1]

There is necessarily a sameness in the records of these pestilences, and this makes it wearisome to dwell upon the sufferings of the people throughout well nigh the two centuries which lie between the death of Edward I. and the coming of Henry of Richmond. The history of the people of England cannot, however, be understood without dwelling upon this sad monotony of suffering. In the pages of the chroniclers we come upon the record of famine and the details of the pestilences which followed close on famine. There is hardly any period of five years during that time without these ghastly records. Disease not only arrested the growth of population, but reduced it far below the number it had reached at the close of the thirteenth century. Disease was mostly of a typhoid character.[2] The undrained neglected soil; the shallow stagnant waters which lay upon the surface of the ground; the narrow unhealthy homes of all classes of the people; the filthy neglected streets of the towns; the insufficient and unwholesome food; the abundance of stale fish which was eaten; the scanty variety of the vegetables which were consumed; the miserable wages of labourers and artisans, predisposed the agricultural and town population alike to typhoid diseases and left them little chance of recovery when stricken down with pestilence. In 1406 the plague was so violent in London that, as already mentioned,[3] Henry IV. preferred to run the risk of capture by pirates in the Thames rather than pass through the infected streets of the city on his way from Kent to Plashey.[4] In 1438 want and pestilence were so terrible among

[1] *English Chronicle of the Reigns of Richard II., Henry IV., Henry V., and Henry VI.* (ed. Davies), p. 23 (Camden Soc.).

[2] Hecker.

[3] *Ante*, p. 89.

[4] Holinshed; Hall.

the crowded population of London that the local chronicler closes his account of the sufferings of that year with this appropriate and emphatic suffrage, "I pray God let us see this day no more, if His will be."[1] Alas! the neglect and sins of man were not atoned for by such prayers. The next year disease was so universal that out of regard for the safety of the king the parliament requested that the tenants who held of the crown and performed their homage by kissing the king's hand, might be freed from this part of the ceremonial.[2] To this prayer the king assented. Ten years afterwards parliament assembled as usual at Westminster, but had hardly done so when it was hastily removed to Winchester.[3] Passing over the notices of half-a-dozen outbreaks of pestilence between 1449 and 1477, we are arrested by the statement of the chronicler that the plague in the latter of these years, though it lasted only about four months, swept off three times the number of persons who had perished during the civil wars of the previous fifteen years.[4] This was followed in the next year by another outbreak of pestilence, in which, to use the words of a local chronicler, "an incredible number of persons died at Norwich,[5] as they died in other places." In 1485 there occurs the first notice of "a new kind of sickness," attended by "a great death and hasty, called the sweating sickness,"[6] which was, the chronicler tells us, "so sharp and deadly that

[1] Arnold's *Chronicle.*

[2] *Rolls of Par.*, A.D. 1439, vol. v., p. 31; Cotton's *Abridgment*, p. 625.

[3] Cotton's *Abridgment*, A.D. 1449, p. 638; Parry's *Parliaments and Councils of England*, p. 184.

[4] In 1471 Sir John Paston writes: "I fear that there is great death in Norwich and in other borough towns in Norfolk, for I assure you it is the most universal death that ever I wist in England; for I cannot hear that any borough town in England is free from sickness. God cease it when it pleaseth Him."—*Paston Letters*, vol. iii., p. 15. "In 1476 Hull lost 1,580 persons by pestilence. So many fled that the town became desolate. All the churches, monasteries, friaries, hospitals, and schools were shut up, and grass grew in the streets."—Tickell's *Hist. of Hull*, p. 132.

[5] "There died an incredible number in this city."—Nevil, in Blomefield's *Hist. of Norwich; Calendar of Charters* in Bodleian Lib., p. 234.

[6] Arnold's *Chronicle.*

the like was never heard of in any man's remembrance," and so fatal "that scarce one in a hundred that sickened did escape with life."[1] At York, the stronghold of the partisans of Richard III., the council could not be collected to oppose the march of the Earl of Richmond towards London because so many of the members had retired from the city "for the plague that reigneth."[2] In London at this time a letter-writer tells his friends in the country, "they begin to die . . . there be few parishes free."[3] And so on, year after year, through the early part of the reign of Henry VII. until 1500, when the second attack of this form of sickness occurred, and a chronicler already cited enters this notice upon his pages, "A great pestilence throughout all England, and a great death."[4]

A century during which more than twenty outbreaks of plague occurred and have been recorded by the chroniclers can hardly be regarded by us except as one long unbroken period of pestilence.

The decline of the population, caused by the frequent attacks of famine and pestilence, and the drain made by war, led in the beginning of the reign of Richard II. to a formidable insurrection of the copyhold tenants and agricultural labourers. The causes for this insurrection were complex, and several classes of the community were urged to take part in the movement from different motives. The people were at the moment suffering greatly, and there was widespread discontent. In the last year of the late king's reign the lower House of Parliament had made representations of the evils caused by war and famine, and of the death of men and cattle from pestilence. The scarcity of labourers had raised

[1] Holinshed.

[2] "On the 16th of August, when the York Council were assembled upon receiving information of the Earl of Richmond's landing, no more than three aldermen and seven of the twenty-four were present; and it is noticed that the others were sojourning without the city 'for the plague that reigneth.'"—*Extracts from the Records of York*, by R. Davies, p. 215.

[3] *Plumpton Correspondence* (Camden Soc.), p. 54.

[4] Arnold's *Chronicle*.

the demands of the labouring classes, and the wages the large landowners were compelled to pay made it difficult for them to farm their lands to any advantage. The personal services of the copyhold or villain tenants had been commuted so long before for a fixed money rental, that though the lords of manors still had by law the right either to require personal services from their tenants or to receive a money rent instead, the practice grown into custom had been to accept a money payment in place of personal service.[1] As money for which labour rents were generally commuted had been settled at a time when money bore a nominal value greater than at the beginning of the fifteenth century, the landowners suffered, and hence the attempt to revert to personal service or labour rents as in former times.[2] This attempt took place at a time when a repugnance for such compulsory service had set in. Freeholders, copyholders, and cottars had been so long exempt from labour for their lord, or from what were called base services, that the demand for them was a novelty. When, then, the attempt was made by the landowners to require that the days of ploughing, of reaping, or of mowing his lord's land should be kept by the tenant in person, a sense of the indignity of such compulsory labours led to general resistance, and to a formidable combination to oppose this attempt. The customary tenants appealed to Doomsday in proof of the injustice of the demands made upon many of them.[3] They formed an agricultural union, and met on Sundays and saints' days in the recesses of the forests to confer with their neighbours how best to resist these demands,

[1] Naase on the *Agricultural Community of the Middle Ages*, p. 69.

[2] Holinshed; Rogers' *Hist. of Prices*, vol. i., pp. 26, 83.

[3] 1 Richard II., cap. 6; *Rolls of Parliament*, vol. iii., pp. 212, 216. "1,422 manors were in the ancient demesne of the crown at the date of the survey, and most of them had been crown manors in the time of Edward the Confessor. Thus, for centuries after the Conquest the Doomsday Book was constantly appealed to as evidence that this manor or that was of 'ancient demesne,' *i.e.*, that it was a royal manor in the time of Edward the Confessor, because the tenants of those manors claimed certain privileges and immunities which other tenants did not enjoy."—Seebohm, *The English Village Community*, p. 82.

and subscribed their money to enable them to oppose the claims of their lords in the courts of law. There is nothing to lead us to believe that at the first the copyhold tenants had any other intention than to defend, by an appeal to the law, their privileges and the settlement which had so long existed.

As the majority of deaths during these outbreaks of pestilence was amongst the agricultural labourers who composed the bulk of the nation, the pestilences which marked the fourteenth century greatly affected the labour market and increased the amount of wages. The increase was not chiefly caused, as is supposed, from the ravages of "the black death," though it was aggravated by it. The rise of wages and the loss to landowners were going on for many years before.[1] The extent of this loss may be inferred from an entry in the account of the Berkeley family, where we read that in the "24 Edward III. the plague was so great in this lord's manor of Ham that so many work-folk as amounted to 1,144 day's work were hired to gather in the corn of that manor alone."[2] This loss arose from the difference between the commuted labour rates and the payment made for labour by the landowner, increased at this time by the death of the labourer and the desertions from the manor, which were now increasing in number. The annual loss in this instance on that one manor may be estimated at about one hundred and fifty pounds of money of present value. This is but a specimen of what was going on in all parts of the country through the combined causes of the commutation of labour rents and of the "black death."

[1] Take as illustration the amount paid in lieu of services on the manor of Great Tew in Essex. By old tenure the tenants owed two thousand days in winter and five hundred and eighty in autumn. Instead of such service, each of them paid a half-penny for the former and a penny for the latter. The labourer who performed the work for which the tenants paid a half-penny received three pence; in other words, the landlord lost by this commutation five-sixths of this part of his rent. —*Archæologia*, vol. xi.

[2] Smith's *Lives of the Berkeleys*, p. 128.

Much then might in justice be said for the landlords. The quit-rents paid instead of personal services represented barely a sixth part of the value of such services in ordinary times, and much less than a sixth part when the desolation made by the "black death" had suddenly and largely increased the value of labour. It was natural, therefore, that the land-owners should desire to raise their rents, whether paid in money or by service, to a sum sufficient to procure for them the labour they needed. They were within their rights in making this demand. The attempt to do so was, however, the chief cause of the discontent of the copyhold or customary tenants.[1]

At the moment when men were being harassed by the demand for personal services in delving and reaping the lord's lands, a fresh element was added to the rising discontent.[2] The war in Brittany required all the money that could be raised from the impoverished people of England. A tax new in its severity, though not new in its form, was levied on every one over the age of fourteen. Four years before this, when the poll-tax was first imposed, it was limited to a groat for each person above this age, except from beggars.[3] When, two years afterwards, a similar tax had been collected, it was graduated according to the income of the various classes in the nation. Thus the two wealthiest peers of the realm were assessed at ten marks each, an earl paid four pounds, and a baron two pounds, the mass of the people paying one groat. The age from which it might be demanded was sixteen.[4] The tax imposed two years later was of increased severity. "Every

[1] *Rolls of Parliament*, vol. iii., pp. 212, 296.

[2] "The grievance of those upon whom the poll-tax pressed heavily was distinct from that which had driven the copyhold tenants into combination."—Tyrrell's *Hist. of England*, vol. iii., p. 857.

[3] Stat. 51 Edward III., *Rolls of Par.*, vol. ii., p. 364: "de chescune persone de meisme le roialme, exceptis tant soulment verrois mendinantz sanz fraude," A.D. 1376-7; Cotton's *Abridgment*, p. 145. "Exceptis notoribus pauperibus qui publice mendicabant.—Walsingham, vol. i., p. 323.

[4] "Outre l'age de xvi ans, forspris verroies mendinanz."—*Rolls of Par.*, vol. iii., p. 58, A.D. 1379.

person," of whatsoever state or condition "he might be," was assessed at three groats, near, that is, to twenty shillings of present money, and the age from which it was to be paid was fifteen years.[1] The impost was made heavier by being farmed out.[2] When this new tax was imposed wheat throughout the kingdom was at famine price,[3] so that we read without wonder that "great grudging and many a bitter curse followed about the levying of this money."[4] The whole body of the cottars, labourers, farm and household servants were at once thrown into the ranks of the discontented. The clergy during the war with France had been taxed at a higher rate than the laity, and neither the ill-paid curates nor the holders of the smallest benefices were exempted.[5] Accordingly their sympathies and self-interest were enlisted on the side of the insurgents.

The population of the home counties flocked to London to demand the legal exemption of their lands from the old labour obligations of villanage. The cottars claimed to be free from the exaction of labour rents for their homes, and the copyholders of all kinds demanded that they should not be compelled to grind the corn raised for their households at the lord's mill, a regulation which subjected them to heavy exactions. The general demand was for manumission, not that of persons, but of their property. There was at this time hardly any personal slavery calling for manumission. The rioters sought out the "court rolls" in order to destroy the legal evidence of the labour rents formerly exacted on the "subsidy rolls," on which the evidence of their obligation to pay the obnoxious poll-tax was recorded.[6] If they were to be

[1] "Passez l'age de xv ans."—*Rolls of Par.*, vol. iii., p. 90, A.D. 1380.

[2] Knyghton, p. 2633; Tyrrell's *Hist. Eng.*, vol. iii., p. 856.

[3] The average price of wheat during the years 1348-1400 was 6*s.* 2*d.* per quarter.

[4] Holinshed.

[5] Walsingham, *s. a.* 1371, vol. i., pp. 312, 393.

[6] "Statuerunt omnes curiarum rotulos et munimenta vetera dare flammis, ut, obsoleta antiquarum rerum memoria, nullum jus omnino ipsorum domini in eos in posterum vendicare valerent."—Walsingham, vol. i., p. 455.

called on to "delve," they demanded that the landlords, "the gentlemen," also should delve.[1]

The clamour raised by the insurgents for the exemption of their lands from personal services, and their claims to obtain a legal recognition of their right to pay a money rent in place of such services, are proofs among many others that already the lands in the possession of the copyhold tenants and cottars were acknowledged to be their own property, or at least property from which they could not be ejected at the will of their lords.

By what chance the discontent of the copyhold tenants found vent in the purely personal indignation at an outrage committed by one of the tax collectors on the daughter of John Tyler, of Dartford, or Wat the Tyler, of Maidstone—if this name is not as fanciful as those of Hob the Miller or Jack the Carter[2]—or how the general movements of the peasantry south of the Thames as well as in many of the midland, and even in some parts of the northern counties, fell in with personal grievances in Kent and Essex, cannot be ascertained. The insurgents had no chronicler to record their demands nor trace their line of march. This, however, we know, that so extensive and formidable a movement must have been long in preparation: it extended throughout the agricultural districts, though it embraced burgesses of towns as well as priests

[1] Gentleman, *i.e.*, one who lived on the rental of his lands. Thus "there be three manner of men. The first be merchants" [shopkeepers, traders] "and some be gentlemen, and rich of their rents. The third manner of men . . . have no riches . . . but live upon men's alms."—Wyclif's *English Works* (ed. Arnold), vol. ii., p. 24.

[2] "Diverse have written diverslie."—Holinshed. "Walter Helier vel Tylere, nam talia nomina sibimet imposuerunt ex industria."—Walsingham, vol. i., p. 463. "Watte Tyler, sed jam nomine mutato vocatus est Jakke Strawe."—Knyghton, p. 2636. "John Schep was the assumed name of John Ball (Walsingham, ed. Riley, vol. ii., p. 33); and in a rude hexameter, which gives the names of the leaders in Wat Tyler's rebellion, we have 'Jak Chep, Tronche, Jon Wrau, Thom Myllere, Tyler, Jak Strawe,' where another reading for Chep is Schep. See *Political Poems*, ed. Wright, vol. i., p. 230."—Skeat, in notes to *Piers Plowman*, p. 3 (Early Text Soc.).

of rural parishes, yeomen, and farm labourers. It might have been precipitated by a personal grievance, it could not have been caused by it. At Bury St. Edmunds the townsmen rose against the prior, who pending the election of an abbot governed the monastery. They murdered him, and his head was paraded on a pole together with the head of Sir John Cavendish, Lord Chief Justice. At St. Albans, the tenants, as well those in the town as those who farmed the lands of the abbey, took possession of the abbey, and broke the mill-stones in pieces, and bore off the fragments as a symbol of their freedom from one of the most galling incidents of manorial tenure. At Cambridge the mayor, burgesses, and commonalty took possession of the university chest and burnt its charters, entered Corpus Christi College, sacked it, and carried off the muniments.[1] Not only were friars found in the ranks of the insurgents, but several secular priests, rectors, and vicars joined in the insurrection. York more than sympathized with the movement, and on the termination of the rebellion was fined a thousand marks before a pardon was granted to the citizens. At Beverley and Scarborough tumults broke out, if not by concert, at least simultaneously with those in the eastern and home counties.[2] All this is proof of widespread discontent, though not necessarily of unity of purpose. The insurgents were directed by men of no common skill. The preparation of a commissariat however simple for so large a body of men as that which marched to London required much time, considerable foresight, and large resources, and these facts betray the hand and presence of others than illiterate and undisciplined rioters.[3] The impulse the movement

[1] *First Report of Historical Commission*, p. 65 ; Cotton's *Abridgment.*

[2] 4 Richard II. The sergeant-at-arms was directed to proceed to York and bring to the Council in London the heads of twenty-four of the rioters.—Cotton's *Abridgment.*—6 Richard II. Pardon was granted to the citizens of York on payment of 1000 marks ; Scarborough was fined 900 marks ; Beverley 1100 marks.—Turner's *Hist. England Middle Ages*, vol. ii., p. 264.

[3] The surrender of the Tower of London, garrisoned by six hundred men-at-arms, and a like number of archers, to what, if we accept the

derived from the mobs of Kent and Essex exasperated by the sense of personal wrongs was probably in the end the cause of the partial failure of the insurrection of the agricultural tenants.

The insurrection soon came to an end. The violence of the rabble deprived the cause of the agricultural tenants of the support it might else have received.[1] Though, considering the area of the insurrection, but few acts of plunder could be charged against the insurgents, it was evident that the leaders soon lost all control over the bulk of their followers. The murder of the Archbishop of Canterbury struck terror into the hearts of sober-minded men. The destruction of the palace of the Duke of Lancaster by the London mob was a significant warning to the citizens. Those who had anything to lose plucked up courage to resist the rebellion, and the insurgents themselves, tired of their success, and having probably exhausted their resources, gladly believed the promise of the king that he would redress their wrongs, and accepted from him certificates of manumission, and betook themselves to their homes, carrying with them pardons for all except the murderers of the archbishop and others.[2] Though the young king acted under the advice of his council in making the promise he did and in distributing charters of manumission, it is clear—it is hardly too much to say it must have been clear to his council—that no promise of this kind could be of any value unless confirmed by parliament, and this it was certain would not be done unless under the pressure of extreme terror. When the insurgents dispersed their cause was, at

accounts handed down to us, could have been little better than a mob armed chiefly with sticks, and the destruction of the residences of the Duke of Lancaster and of Sir Robert Hales, give force to the suspicion that treachery and court intrigues had somewhat to do in instigating or directing this movement.

[1] From the entry of Tyler into London on the 12th or 13th of June to the formal revocation of the charters of manumission on the 2nd of July about three weeks elapsed.

[2] Cotton's *Abridgment*, pp. 197, 198; Rogers on *Prices*, vol. i., p. 92.

least for the moment, virtually lost, and the vengeance which followed, the wholesale executions of men who had dispersed under the promise of an indemnity for the part they had taken in the insurrection,[1] proved both the barbarity of the victors and the greatness of the alarm with which the outbreak of the agricultural tenants had filled the hearts of the large landed proprietors.

But though the leaders were killed either during the course of the insurrection or executed on the scaffold afterwards, the movement itself was in the end successful. The various "statutes of labourers," which from this date appear on the statute book, were a confession that the day when lords of manors could require the personal services of their tenants in return for the lands they held had gone by. From the moment when Wat Tyler was struck down, and his followers were dispersed and punished, the large landowners hastened to adjust the rights of the tenants and their own claims by means of acts of parliament.[2]

Soon after the suppression of this insurrection, and at the close of the fourteenth century, the manorial courts began to lose much of their former vigour, and manorial customs, especially those which concerned the personal obligations of the copyholders, were more commonly disregarded than they had been at the beginning of the century. There were now more frequent instances of the villain tenants sending their sons and daughters to service beyond the bounds of the manor without regard to the customary court or waiting for the lord's licence, and their sons were ordained and their daughters were married without their first obtaining permission for such purposes. Tenants now quitted the manor without leave, and their land reverted to the lord; tallages were frequently refused to the lord, and if he pressed for their payment the land was thrown upon his hands, and he lost the services of the

[1] Holinshed states that the number executed was fifteen hundred; others, however, give the number as much higher than this.

[2] For an analysis of the various statutes of labourers, see note at end of Chapter II.

tenants. In the surveys of manors now occur the record of manorial dues formerly paid, together with the sums which ought to have been received at the later period, with the significant note, "and now they pay nothing."[1] Surrender of land at this date grew to be frequently neglected, and the heirs of copyholders sometimes succeeded to their lands without this formality. As the tenants of a manor strayed away from their tenancies, so vagrants from other manors came and were engaged in their place, contrary to the old manorial customs.

Though the insurrection of the copyholders and others in the reign of Richard II. was not the first struggle between capital and labour in England, it is remarkable as the first struggle on a large scale recorded on the pages of our national history, and as one which has influenced the social and material progress of the nation ever since the days of Richard II. and of Walter the Tyler. Other nations of Europe were about the same time convulsed by popular movements. The insurrection of the agricultural tenants of England had however few features in common with the Jacquerie of France, or with the Confederation of Valladolid in Spain.[2]

Within twenty years of the rising of the English copyhold tenants, the deposition and murder of Richard II. and the usurpation of Henry of Lancaster led to the struggle between the two branches of the royal family which is known as the "War of the Roses." The deposition of Edward II. had been the result rather of domestic conspiracy than of any national movement. The overthrow of Richard II. was due to a combination among the baronage, or of several powerful members of that order. It is true that some of those who assisted in depriving Richard of the crown were deceived into the belief that the rebellion of Henry was limited by his desire of recovering the estates of the house of Lancaster, and that in espousing his cause they thought that they were but defending the rights of property and of the nobility. Indeed, when undeceived as to the character of his rebellion, the Percies rose in insurrection

[1] Blomfield's *History of Launton*, MS.

[2] Dunham's *History of Spain and Portugal*, vol. iv., p. 157.

against Henry in order to restore the deposed king. From the accession of Henry the barons assumed a larger share in the government of the country, and jealousies among them led ultimately to the "War of the Roses." Though this war had its origin in the rival pretensions of the houses of York and Lancaster, it was rather a war of the barons than of the heads of these houses. It ended in the destruction of almost every scion of the families of Lancaster and of York, as well as the greater part of their followers. The baronage of England was almost extirpated in the course of this war. The slaughter of the people was greater than in any former war on English soil. Many of the inland towns in the line of march of the rival armies were plundered and burnt.[1] Conjectures have been made as to the numbers slain in the long series of battles, from the first struggle in the streets of St. Albans to that on the field near Bosworth. No certainty can be obtained on this point. From eighty thousand to one hundred thousand soldiers are said to have perished in the strife. This is probably not an exaggerated estimate.[2] Those, however, who lose their lives on the field of battle bear at all times only a small proportion to those who die during a campaign. Want, exposure, and disease carry off more than the most murderous weapons of war. The diminution which the population, already sufficiently drained by the long wars with France and

[1] In the march towards London the Lancastrian troops pillaged and "destroyed the towns of Grantham, Stamford, Peterborough, Huntingdon, Royston, Melbourne, and in a manner all the towns by the way unto St. Albans, sparing neither abbeys, priories, or parish churches . . . . as though they had been Saracens, and not Christians."—Stowe's *Chronicle*. The Yorkists emulated their rivals in their ravages.—*Regist. Whethamstede*, vol. i., pp. 172, 345, 388, 394.

[2] Gregson in *Lancashire Fragments* enumerates the numbers of the persons who perished in the War of the Roses at, private soldiers 84,998, kings 2, princes 1, dukes 10, marquises 2, earls 21, viscounts 2, lords 27, lord prior 1, judge 1, knights 139, esquires 441, gentry 638. Henry, in his *History of England*, says 100,000 up to Barnet. A MS. in the Harleian Library thus states the number of men of rank: kings 3, dukes 12, marquis 1, earls 17, viscount 1, lords 24. Quoted in Brayley's *Graphic and Historic Illustrator*, p. 175.

Scotland, suffered from "the thirty years' war" of the Roses cannot be estimated at less than a tenth of the whole of the people of England.

The War of the Roses was neither waged to protect national interests nor to vindicate the national honour. It little concerned the people whether Richard of Bordeaux continued to reign or whether Henry of Lancaster filled the throne, except so far as loyalty and fidelity to their oaths should have led them to maintain the cause of Richard. The indolence and capricious tyranny of that prince was not less endurable than the perfidy and cruelty of Henry. No statute passed in the reign of Richard can compare with the disgraceful statute for the burning of heretics, part of the purchase-money by which Henry obtained the crown.[1] It is said that the barons of England preferred the rule of Henry because they expected that under him war with France, which had languished since the accession of Richard, would be renewed with vigour. If they preferred Henry because they expected that this war would be rekindled between the two countries, circumstances prevented that expectation from being fulfilled. The loyalty of the Welsh to Richard, or their restlessness, and the invasion of Shropshire, stimulated the remorse or ambition of the Percies, and the throne of Henry was for a time endangered by the junction of Hotspur with Glendower. After the defeat of the Welsh forces the doubtful fidelity of the Duke of Northumberland and the active hostility of the Scots prevented Henry from entering upon war with France.

Henry IV., however, was no sooner dead than his son prepared to renew the war against France, and to ravage that kingdom as it had been ravaged during the advance of the English armies under Edward III.[2] In undertaking this war

[1] Even in this it is to be noted that the first burning—that of William Sawtré—was previous to any statute, and was done by the illegal order of Henry.—*Rolls. of Par.*, vol. iii., pp. 459, 467; Shirley, in *Fasc. Zizaniorum*, lxix.; Wylie's *Hist. of Henry IV.*, vol. i., p. 186.

Redmayne (*Hist. Henrici Vti.*, p. 25, Rolls), writing in the latter part of the reign of Henry VIII., attributes the war undertaken by Henry V. against France to the policy of Archbishop Chicheley, who

he had less excuse than Edward. Henry had no claim to the French throne, not even such a doubtful one as was advanced by Edward III. This war of personal ambition and possibly of party engagements extinguished for a time the hopes of the house of York, and diverted the minds of men from the illegality of Henry's title to the throne. Such a question was laid at rest for a time by the popularity of the war with France. The brilliant victories of Henry are blazoned on the pages of history. He overran great part of France; he conquered a large portion of that kingdom; he was acknowledged heir to the French throne. On the other hand, every trace of these conquests disappeared during the first thirty years of his son's reign,[1] and it is asserted in the instructions given to Cardinal Beaufort to treat of peace with France "that more men have been slain in these wars . . . . than be in both lands, and so much Christian blood shed that it is too great a sorrow and a horror to think or hear of," and yet the war went on, and the overtures for peace proved abortive.[2] More than this, war begets war. It was the discontent of the nation at the loss of the territories acquired by Henry V. at the cost of much treasure and blood which encouraged the house of York and its adherents to put forth their claim to the English throne, to commence the "War of the Roses," and in the pursuit of that claim to devastate their common country.

The first battle in the War of the Roses was fought at St. Albans in 1454. As a fruit of the decisive victory of Towton in 1461, Edward IV., the son of the original claimant, succeeded to the throne. In 1471 the battle of Tewkesbury, and the murder of the youthful Prince of Wales, followed by

sought by this means to divert the minds of men from the attack made upon the property of the clergy. In this Redmayne has been followed by Holinshed, Fabyan, and Hall. The story, however, seems doubtful, and certainly Henry V. required no stimulus to declare war against France nor any inducement beyond the disorganized state of that kingdom.

[1] Gascony and Guyenne were lost to the English in 1451, recovered in part in June, 1453, and finally lost in the same year.

[2] Rymer's *Fœdera*, vol. x., p. 724, cited in Henry's *Hist. of England*, vol. x., p. 279.

the death or murder of Henry VI., removed every dangerous competitor from the path of Edward IV. The dynasty of York held possession of the throne which had cost so much blood for four and twenty years. In 1485 all was lost to this house, and, on his victory at Bosworth, Henry VII. succeeded to the throne. The people of England, exhausted by wars at home and abroad, had acquiesced in the despotism of Edward IV.[1] They were prepared, indeed, to submit to any ruler who would secure to them the blessings of peace. They yielded readily to the salutary despotism of the Tudors. The country sighed for repose. The commerce of England had been almost destroyed by these incessant wars. Great part of the land formerly cultivated lay waste for want of hands to till it. Hamlets and villages had disappeared, and their sites could only be traced by the remains of the grange round which the tenants had once clustered, or by the ruins of the church tower, in which sheep were now folded.[2] The gentry had suffered in common with the yeomen and copyhold tenants, and could not supply a sufficient number of persons qualified to hold the important and honourable post of sheriffs of counties,[3] nor even to serve as jurymen in the courts of law. All the towns in the kingdom, with the exception of London, had been well-nigh ruined,[4]

[1] "The reign of Edward IV. was a reign of terror."—Hallam, *M. A.*, vol. iii., p. 198. "No laws favourable to public liberty, or remedial with respect to the aggressions of power, were enacted, or, so far as appears, even proposed in parliament during the reign of Edward, the first since John to whom such a remark can be applied."—*Ib., Const. Hist.*, vol. i., p. 10.

[2] More's *Utopia;* Dugdale's *Warwickshire;* Hasted's *Kent.*

[3] "Whereas by diverse pestilences within the kingdom and by foreign wars there is not a sufficiency at present of proper persons to fill the office [of sheriff or escheator], it is therefore enacted . . . that the king may appoint sheriffs and escheators to continue in their respective offices for four years."—9 Hen. V., cap. v.

[4] Mr. Froude attributes the decay of the towns to the sense of security now felt by the country, as though persons had no longer need of walls and defences. This, however, is not in accord with historical facts, see, *e.g.*, the *Rolls of Parliament*, vol. v., *passim.* The decay of the towns is attributed in acts of parliament of this period to loss of trade, taxation, and war.

and this outer ruin was but a type of a deeper ruin. How far the low standard of morals with which the fifteenth century was content is due to the wars and pestilences of the previous two centuries, we have hardly sufficient evidence to determine. We are justified, however, in believing that such wars and pestilences as England suffered from in the fourteenth and fifteenth centuries could not have occurred without injury to public morals in this century more than at any other time. Whether society was more immoral at the accession of Henry VII. than it had been at the death of Richard II., we cannot say. What we do know is, that the standard of morality could not well have been lower than it was at the close of the fifteenth century. The licence encouraged by civil war, and the example of the dissolute barons, injured the moral tone of the nation. Lust, cruelty, dishonesty, and a shameless disregard for the sanctity of oaths, were paraded before the eyes of the people. The natural consequence followed. From the moment when Henry of Lancaster had solemnly sworn that his only object in coming to England was to obtain his ancestral lands, and had then trampled upon this oath and seized the crown, a public example was given of successful perjury which many of his subjects were quick to imitate. Men saw at first with horror the most sacred mysteries of Christianity profaned into a support of perjury. They came, however, in a short time to view this profanity with indulgence, and at length to copy the example of "their betters." The perjury of Henry of Lancaster at Ravensburg was imitated by Richard of York and his son Edward IV.[1] The latter prince, it is true, obtained apostolical letters from the Pope absolving him from his oath, on the ground that he had

[1] When Edward IV. returned from the Continent to recover the throne from which he had been driven by the Earl of Warwick, in order to deceive the citizens of York he "received the Sacrament of the Communion" in their presence, and solemnly swore that he "came to make none other challenge than to his inheritance of the duchy of York," and that he would "be faithful and obedient to King Henry."—*Chronicles of Hall and Holinshed.*

perjured himself *incaute*, thoughtlessly[1]—an apology more damaging, however, to the papal authority than advantageous to the character of the king. The sanguinary execution of the faithful adherents of Richard II., which followed on the successful perjury of Henry IV., was paid back upon the loyal adherents of his grandson, the last Lancastrian prince, whilst the unbridled licentiousness of Edward was a fatal example given to a people prone at all times to copy the manners of their superiors in station.[2]

All this time, though the population was diminishing in all the agricultural districts—in other words, throughout the whole of England—levies of soldiers were made and landed on the coasts of France, or sent into Scotland. Of these a large portion perished in inglorious skirmishes, or were cut off by the diseases which follow hard upon the footsteps of an invading army. This, however, mattered the less because at home men fared little better than their brothers fared abroad, since pestilence was as rarely absent, either from the narrow, unclean hovels of the peasants of the rural districts, or from the streets of the towns, as it was from the camp. Commerce, except in one commodity, was almost at an end. But for the large exports of wool the war must have been stayed for want of money to pay the troops. The wool trade flourished —unhappily, in some respects it flourished the more—because of the wide area of untilled plains and wastes which had once produced crops of wheat, rye, and other grains, and had given employment to the agricultural labourers.

Throughout England the progress of society in material wealth, which was so marked a feature of the reign of Edward I., had not merely been arrested; civilization and refinement had gone back, and England at the accession of Henry VII. was far behind the England of the thirteenth century.

The decay of England commenced soon after the death of Edward I., and may be traced throughout the reign of his

[1] *Regist. Abbatiæ Johannis Whethamstede*, vol. i., p. 384.
[2] *Chronicle of Holinshed.*

successor. It went on at an increased rate after the death of Edward II. The returns made for the purpose of taxation, as well as other official documents, prove this.[1] In the border counties, along the Welsh march, by the southern sea-board, as well as in East Anglia and the northern counties, parishes were of necessity exempted from the payment of taxes because, as the records state, there were "no sheep nor lambs at present," or that "the lands are untilled," and the cause is *paupertas parochiæ*, the impoverishment of the parish, or that murrain had swept over the fields, and the land was overrun by "rabbits and game," or that husbandry was at a standstill through fear of the pirates in the Channel.[2] Elsewhere we are told that the "tenants had withdrawn," or that "fewer sheep are here than formerly," and "the tenants have quitted under stress of poverty," or, as another roll varies the note of lamentation, "there are no tenants, the cottages have been burnt," "the lands are waste," so that many fertile spots in England were lapsing to desert.[3] Then came the result of the wars of Edward III. with France, and if we will we may trace the

[1] Take the following as illustrations; it is impossible to do more than this, the instances which crowd upon our notice are too numerous. The Prioress of Flixton in Suffolk made return in 1349, that in the parish of Dunston most of the parishioners were dead and that the land remained untilled, so that she was unable to pay the king's taxes.—Suckling's *Hist. of Suffolk*, p. 195. Simon, Bishop of Ely, in a charter dated Sept. 1365, mentions that the parishioners of All Saints and St. Giles, Cambridge, are for the most part dead by pestilence, and that the nave of All Saints is ruinous, and that the dead bodies in the churchyard are exposed to beasts, and, therefore, that he unites these parishes.—*Sixth Report of Hist. Commiss.*, p. 299.

[2] *Sussex Archæological Collections*, vol. i., p. 63, from the *Inquisitiones Nonarum*.

[3] Eyton's *Shropshire*, *passim.*; *Inquisitiones Nonarum* of 14 and 15 Edward III., especially those of Bedfordshire and Buckinghamshire. (These returns were before "the black death.") *Feodarum Prioratus Dunelmensis* (Surtees Soc.), *passim*. *The Knights Hospitallers in England* (Camd. Soc.), being a report of their possessions in 1379. They possessed estates in various counties. The decline of their rents is uniform, and is attributed to the "scarcity of money," national poverty, and the weight of taxation.

destructive nature of the war with France in the notices of adjoining parishes thrown into one for want of sufficient inhabitants, of "people impoverished by frequent taxation of our lord the king" until they had fled, of churches allowed to fall into ruin because there were none to worship within their walls, and of religious houses extinguished because the monks and nuns had died, and none had been found to supply their places.[1] Now it is we read of towns with large open spaces within their walls where houses had once stood, but which for want of inhabitants had been given over to weeds. Even in London itself, under the eye of the court, for a hundred years or more, the state processions which entered from Westminster by Temple Bar passed along Fleet Street in front of the blackened ruins of two forges which had been destroyed by the mob under Jack Straw in the times of Richard II., and had neither been rebuilt, nor the ruins cleared away for other buildings.[2]

The preceding illustrations of the poverty of the agricultural tenants have not been drawn from the records of any one district. Similar proofs of ruin and desolation are afforded by almost every part of England, and those which are cited are cited merely as examples and illustrations of what existed throughout the country. If we turn to Sussex, we find the same wail of poverty as in Shropshire or in Warwickshire. Through the neglect in keeping up the sea-walls it is computed that between the years 1292 and 1340 five thousand five hundred acres were lost to the country by the irruptions of the sea on the south coast.[3] In 1340 parish after parish returns that there is a large area of land uncultivated through the poverty of the parish and the inability of the tenants to buy wheat for

[1] "Apud Fulbroke quondam erat rectoria, ecclesia destruitur, villanis effugatis solum manerium remanet."—Rous. This is only the type of many entries which now appear as to the midland districts of England. Dugdale's *Warwickshire*, vol. i., p. 51 (2nd edit.); *Rolls of Parliament*, vol. v., p. 206; Statutes, 4 Henry VII., cap. 19.

[2] *Inquisitiones Nonarum*, pp. 11, 18.

[3] Compare the *Valor of Pope Nicholas* in 1292 with the *Inquisitiones Nonarum* of 1340.

sowing. Bramber is "now by poverty annihilated." At Brighton the wheat had failed and the lambs had died of murrain. At West Withering the wheat had been devoured year by year by the rabbits of the Bishop of Chichester, and at Ovingdean "wasted by the rabbits of Earl Warrene," while at Friston and at West Dean the pasturage for sheep had been destroyed by the French, and a hundred acres in each parish remained unsown for fear of pirates.[1]

To the poverty of the country and the consequent inability of the nation to maintain the costly wars of Edward III. are attributed the enactments of sumptuary laws, which were passed because men who spent much on their table and dress were unable "to help their liege lord" in the battle-field.[2]

What was true of morals and material wealth was true also of art. Architecture had yielded to the spirit of the age; it had lost much of its nobleness, though it had not yet descended to the depths it afterwards reached. The hand of the English sculptor had grown stiff, and the forms from his chisel no longer vied in grace with the productions of the Italian artist. In metal-work the glory of the maker had departed. English glass was no longer sought for to adorn the cathedrals of the Continent, nor even to decorate private houses in England.[3] Art in all its forms had become debased with the debasement of the artist. It required no sagacity to divine that the end was near. In the beginning of the reign of Henry VIII. we have the complaint of Sir Thomas Elyot, which would have sounded strange in the ears of a contemporary of Edward I., that "in painting and

[1] *Sussex Archæological Collections*, vol. i.

[2] 10 Edw. III., cap. 3.

[3] "Henry VII. came to the throne at the close of the long and savage War of the Roses. During the continuance of the struggle the nation went back in many ways from the refinement of the fourteenth century. The cultivation even of house fruits ceased with the ruin of houses and manors and the desolation of orchards and gardens; the population dwindled; the arts lost their vigour and beauty. The architecture, sculpture, and metal-work were not equal to what they had been, and fresh life was needed when peace was once more secured."—Pollen's *Gold and Silversmith's Work*, pp. 233-35.

carving, in graving and embroidery, Englishmen be inferior to all other people." [1]

The battle of Bosworth was the close of an era. Old institutions were breaking up, and what was useful in them was taking other forms. The beginning of a new order of things was dawning. It is seldom in the history of nations that periods of action can be marked off and separated from the past. In no case, indeed, can this be wholly done; yet men have agreed in considering the closing years of the fifteenth century as the termination of mediæval history, the sixteenth the commencement of modern history. There must have been sufficient facts to have suggested this conclusion. In France the historian closes up the record of the Middle Ages with the death of Louis XI. After that is the Renaissance.[2] In England the Middle Ages were buried with Richard III., and modern history began with his successor, Henry of Richmond, as in Spain it does with the accession of Ferdinand and Isabella. Henry VII. was not only the rival of Richard III., his reign was altogether in antagonism with those which immediately preceded it. Though greatly inferior in intellectual and moral worth to the great Plantagenet, Henry was the successor of Edward I. rather than of Richard III. His mission was to gather up the disordered threads of our national life, and to attempt, first of all, to undo the evils a succession of kings from Edward I. had brought upon England. The house of Tudor holds an unique place in English history. The right of Henry of Richmond to the throne was of the flimsiest character, so flimsy indeed that he never ventured to state his claims.[3] The house of Tudor in the person of

[1] Sir Thos. Elyot, *The Governor*, fol. 46, *in dorso*.

[2] *Histoire de France*, par J. Michelet. See also Hallam in *Hist. of Middle Ages*, and *Constitutional Hist. of England*.

[3] By dating his accession to the throne from the day before the victory of Bosworth, Henry denied that he received the crown by conquest; by his coronation before his marriage with Elizabeth of York, he denied that he was indebted to it by virtue of this marriage; a claim by descent was never set up by him, and circumstances prevented the possibility of his obtaining the crown by the election of parliament. When the first par-

Henry VII. gave to England a dynasty of dictators rather than a line of constitutional sovereigns. Indeed, constitutional sovereignty would have been out of place in the disordered times ushered in by the War of the Roses. The evils of the time required strong personal will, high-handed determination, star-chamber procedure—a rough but honest far-reaching despotism. In no other way, so far as we can see, could the disorders of the times have been grappled with. As in the days of the Roman Republic, when unwonted dangers threatened the state, and the cumbersome forms of government, with checks and counter-checks, would have but increased the danger, a dictator was appointed whose mission it was to see by all means, constitutional if it might be, unconstitutional when necessary, that the republic might be saved from the danger which impended. So was it in England at the end of the fifteenth century, and the Tudor sovereigns, Henry VII., Henry VIII., and Elizabeth, must be estimated by the standard of the old dictatorship of Rome, not by that of a modern and constitutional sovereignty. They were dictators, and well, on the whole, they did their work; sometimes it may be by means we can hardly commend to imitation, but which were suited to the condition of society then so sadly out of joint, and a kingdom which seemed on the point of dissolution.[1] These sovereigns were not free from the vices of their times; if they had been, they might have been in some respects more

liament had assembled, it was found that the majority of its members were Lancastrians disqualified by attaint from taking their seats. They required to be freed from this attaint, and that could only be done by a king. It was necessary, therefore, that Henry, himself under attaint, should declare himself king and perform one of the chief duties of royalty by removing the attaint from those returned to parliament, since without this parliament could have no legal existence. After this it was impossible that parliament could elect him, since it owed its being to the fact that he was already king. See *Year Book of Henry VII.*, fol. iv., *in dorso*.

[1] "After the death of Edward III., the English power in Ireland gradually wasted away to a shadow of what it had been, and continued to do so until the reign of Henry VII."—Sir Wm. Betham's *Dignities, Feudal and Parliamentary*, vol. i., p. 321.

exemplary, but would probably have been less able to influence the course of events amid which they found themselves. The Stuart kings failed to comprehend the exceptional position of the Tudors, and thought to act upon their maxims and to follow in their footsteps, when in truth the Tudor sovereigns —and Elizabeth was one and the greatest of them—had made the continuation of a dictatorship such as theirs unnecessary, and therefore impossible. The house of Stuart paid the penalty of its inability to read the lessons of history and to interpret the signs of the times. Not until the passing away of the Tudor dynasty had the constitutional institutions which the genius of Edward I. fostered into existence their full sway. Not until then was the union of the two parts of the kingdom which he had laboured to effect happily consummated.[1]

[1] Gairdner's *History of the Life and Reign of Richard III.*, pp. 326-30.

CHAPTER I.

Statistics in the Middle Ages not to be relied on—Estimate of population—Rural aspects of England—English agriculture—Forests, fens, morasses—Corn districts—Manures—Enclosures—Game, poaching—Rabbit warrens—Woodlands—Cattle—Highways, parish and manor roads—Water carriage—Broken ways and dangers of the roads—Rate of travelling and carriage of goods—Postage of letters.

LITTLE reliance can be placed on the numbers found in our old chroniclers. The value of statistics seems not to have been understood by these writers, and even kings and parliament, interested as they were in getting correct information, deceived themselves continually as to the probable produce of a tax through want of knowing the number of the people from whom it was to be levied.[1] Statesmen guessed at the number of parishes and parish churches, of knights' fees and of acres under tillage, of manors and of the people who dwelt on them, and, as in other instances of guessing, they seldom guessed rightly. Hence the sums raised from these sources of revenue rarely equalled the estimate made beforehand or of the expectation of those who needed the money. In some instances these guesses were very wide of the mark, and surprise us by their great inaccuracy.[2] Since then we have little more to guide us than the statements of the chroniclers or of the rolls of parliament as to the number of the people of England and of their increase at various periods of our national history, we are without means of gaining any precise information on this point. We cannot rely on the vague numbers which occur in the pages of Fitz-Stephen, or in those of William of

[1] Macpherson's *Annals of Commerce*, vol. i., p. 423; Hallam's *Hist. Middle Ages*, vol. iii., p. 367 (edit. 1855). If the items in a subsidy roll or a reeve's account are at all numerous, the totals frequently disagree with the various sums which they are supposed to represent.

[2] *Rolls of Parliament* (45 Edward III.), vol. ii., p. 304, § 10, 11; Longman's *Hist. Edward III.*, vol. ii., p. 184.—Dowell's *Hist. of Taxation*, vol. i., p. 100.

Malmesbury, and other writers of their class. We must put together the evidence afforded by Doomsday Book, by the rolls of the hundreds in the reign of Edward II., by the *Inquisitiones nonarum* of Edward III., and by a subsidy roll or two of later date, and consider the breadth of land under tillage and the crop raised for food, the probable amount of wheat grown and the possible amount of wheat eaten, and, after all this labour, the result will be an inference which does not pretend to accuracy. The Doomsday survey, invaluable as it is, and precise as its figures are, does not extend to the whole of England. A wide extent of acres in the north of England, ill cultivated for the most part, and certainly thinly tenanted, is wanting to this record;[1] the survey gives the number of households, not of persons; the ecclesiastics, both secular and regular, are almost wholly omitted, for Doomsday is a return prepared chiefly for the purposes of taxation, and ecclesiastics were not taxed in the same manner as the laity.

Estimate of Population.—The heads of families or gildable persons enumerated in the Doomsday Book amount to upwards of two hundred and eighty thousand.[2] It is generally assumed that, allowing for the omission of the thinly peopled districts of the north, the number of families might have been at the date of the Conquest a little over three hundred thousand, and Lappenberg accordingly says that to reckon the population at two millions is a supposition "too large rather than too small."[3] It is most probable that it hardly reached two millions at the time of the Norman settlement.[4] At that period the population was declining

[1] The whole of Northumberland and Durham, and great part of Westmoreland and Cumberland, are omitted from this return.

[2] The numbers enumerated are 283,242.—Ellis' *Introduction to Doomsday.*

[3] Lappenberg's *Hist. of the Anglo-Norman Kings* (edit. Thorpe).

[4] M'Culloch (*Statistical Dictionary*), calculating five persons to a family, supposed that the population of England might have reached 2,150,000. Five persons remaining at home, and therefore to be reckoned as part of the family, is too high a figure at any time. It is greatly in excess of what it was in the eleventh century. If families had consisted, on an average,

in most parts of England. Neither the people of the towns, nor those of the rural districts, were so numerous as when Edward the Confessor mounted the throne. With all the drawbacks attending the Conquest, the civil and family wars, and the devastations which attended them, the advantage of a settled government was at once felt. It arrested the decline of the people, who seem to have increased in number, though but slowly, until after the death of Edward II., and then to have fallen off.[1] Especially did they increase during the long and on the whole peaceful reigns of Henry III. and of his son. Judging from the evidence, imperfect though it is, of the Doomsday survey in 1085, that of the hundred rolls of 1222, and of the poll-tax returns of 1377, the population of England had doubled in numbers between the first and second period, and continued to increase probably until the middle of the fourteenth century, when the effect of the wars of Edward III. arrested this increase. In 1377 it had been reduced by the ravages of the "black death" and by the frequency of other pestilences, as well as by famine and the destruction wrought by the French and Scottish wars, until it sank not only below what it was in 1222, but in some places below the level at which it stood when the Doomsday survey was made.[2] For three hundred years there had been no

of five persons, population would have advanced more rapidly than it did. In the seventeenth century, "the average number of people to a house in a country town was, according to the best statistical writers, 4.3."—*Life of Macaulay*, vol. ii., p. 217. "In 1881 the number of persons to a family was 4.61 in England and Wales."—Professor Leoni in *Report on Wages and Earnings of the Working Classes.*

[1] Mr. Suckling (*Hist. of Suffolk*, p. 270) estimates that between the beginning of the reign of Edward the Confessor and the Norman Conquest landed property was depreciated fully a third in value.

[2] The statement in the text is the inference, from a large number of instances, of a decay of the population. I can but give one or two of these instances. In 1432, the burgesses of New Shoreham petitioned parliament, stating that "the encroachments of the sea and other causes had reduced the number of inhabitants to thirty-six, and that they were unable to pay their assessments of 12*d.* for the tenth due to the Crown, which was fixed when the population amounted to 500."—*Sussex Arch. Collect.*, vol. xxvii., p. 88; *Archæologia*, vol. v. In 1249 Launton in Oxfordshire

increase of the population of England, and there is nothing to lead to the supposition that there was any growth in the numbers of the people until at least the middle of the fifteenth century.

Mr. Topham estimated that in 1372, the last year of Edward III.'s reign, the population of England and Wales was two and a half millions,[1] a calculation which Mr. Macpherson adopts as accurate. A careful examination of the evidence on which this conclusion is based leads to the belief that this estimate is too high rather than too low. It is indeed doubtful whether at that time the population was much over two millions,[2] and there was at least no increase of the population for more than a hundred years after this date. It is probable indeed that the people of this country were fewer than this when the battle of Tewkesbury was fought in 1471.[3] The country after that battle had an interval of comparative peace for the rest of the century. When Henry VII. ascended the throne in 1485, the number of his subjects probably fell short of, rather than reached two and a half millions. This number however is, I think, the utmost that can be assigned as the population of England and Wales at that date.

Of this population, it has been estimated that those em-

had sixty-four occupiers of land. In 1416 these had sunk to thirty-four. —Blomfield's *Hist. of Launton*, MS.

[1] *Annals of Commerce*, vol. i., pp. 583, 584.

[2] Chalmers, in his *Estimate*, computes the population in 1377 to have been 2,353,203.—P. 14 (edit. 1794). Pestilence and war after that date not only prevented any increase, but must have diminished the amount population had reached in 1377.

[3] "Euer more the world decrecith in peple," says Bishop Pecock about 1450 (*The Repressor*, p. 306, *Rolls*); and in 1532 Tyndal says, "Let England look about them and mark what hath chanced them since they slew their right king, whom God had anointed over them, King Richard the Second. Their people, towns, and villages are minished by the third part; and of the noble blood remaneth not the third, nor I believe the sixth, and if I must be bold I wene I might safely swear that there remaneth not the sixtenth part."—Tyndal, *Exposition and Notes on Holy Scripture* (Parker Soc., p. 53).

ployed in agriculture were in proportion to townspeople as eleven to one,[1] or, according to another estimate, as fifteen to one. Though some of the country districts were well peopled, the towns had all of them, with the exception of London, a smaller population than at the close of the thirteenth century. Some parts of East Anglia, a thriving agricultural as well as manufacturing province, probably supported nearly as large a number of inhabitants as they did at the beginning of the present century.[2] Both classes of the population, however, the rural and the urban, had suffered by the calamities of the hundred and eighty years preceding the battle of Bosworth field. In the War of the Roses the towns and country districts had been impartially devastated. If farmsteads were plundered and burnt, farms abandoned and farm labourers killed, the towns had suffered in a similar way.

Rural Aspects of England.—Travellers from France or Italy on their visits to England landed usually at one of the Kentish ports of Sandwich, Dover, or Rye,[3] or at Southampton. In any case, their first glimpse of England, often indeed their only glimpse of England, was unfavourable. It was a glimpse, however, which conveyed a false idea of the country. The Genoese or Italian merchant who made his way across Hampshire and Surrey towards London naturally contrasted the

[1] Pike's *History of Crime*, vol. i., p. 180.

[2] Rogers' *Hist. of Prices and Agriculture*, vol. i., p. 569; Cullum's *Hawsted*, p. 100. According to the subsidy roll of 51 Edward III. (*Archæologia*, vol. v.), Norfolk and Suffolk had a population of 213,828, whereas London, with Middlesex, had a population only of 46,076. Then Suffolk and Norfolk contained almost an eighth of the population of England and Wales, now they contain not much more than the twenty-ninth part.

[3] Though Rye is in Sussex, it was practically a Kentish port. Travellers used it whose way lay across Kent, not across Sussex. "Rye is a proper little walled towne, standing upon the mouth of the river Rother . . . it is one of the portes of the realme and the chiefest for passage betwixt England and France."—*Smith MS.*, Sloane, 2596 (Brit. Mus.). Passengers to Dieppe crossed from Rye.—*Fifth Report of Hist. Commission*, p. 490; Marmaduke Rawdon's *Autobiography* (Camd. Soc., pp. 8, 10).

long, dreary stretches of heather, and the huge forests of oak and beech which afforded food for huge herds of swine, with the carefully cultivated plains of Lombardy, and though rich pastures of grass were to be found in some parts of Hampshire at the close of the fifteenth century,[1] they made less impression on a foreign visitor than the thick woods, the sandy plains, and the miry ruts which served for roads along which he had travelled on his way from the sea-coast.[2] Kent produced at this date fair crops of wheat; the cornfields of Thanet, the best soil for corn in that county, were, however, unseen by the traveller who had landed at any of the Kentish ports, though they were well known to the pirates who too often landed and destroyed the expected harvests.[3] The pilgrim and official visitor, ambassador or envoy, who disembarked at Dover, the stated port for such visitors,[4] saw little except an unbroken expanse of sheep walks, varied by miles of heather, until he entered the gates of Canterbury; whilst the visitor who came by way of Sandwich passed out of thriving, but unsavoury, unkempt streets, past ruins marking the site of an ancient and deserted town,[5] destroyed by French privateers in 1385, and wandered for miles by the side of dreary marshes until he entered the cathedral city of the primate of all England, under the monitory shadow of the gallows at Frowick, belonging to the priory of St. Augustine. Nor would the traveller who made his way from Rye across the

[1] Camden's *Britannia*.

[2] At the beginning of the sixteenth century the roads of north and central Italy were good, the towns well paved, and the bridges were of stone and well constructed.—Hübner's *Life of Sixtus V.*, part i., chap. vi.

[3] "The isle of Thanet and those eastern parts are the graynerie, the weald was the wood, Romney Marsh is the medow plot, the north downes towards the Thames be the conygarth or warreine."—Lambarde's *Perambulation of Kent*.

[4] "No pilgrim shall pass out of our realm to foreign parts except from Dover under the penalty of imprisonment for one year."—Charter of Rich. II. (*Kent Arch. Soc. Transactions*, vol. x.).

[5] "Stonard ys yn Thanet, sumtyme a pretty towne not far frome Sandwich, now appereth alonly the ruins of the church. Some ignorant people caule yt Old Sandwich."—Leland's *Itin.*

weald be more favourably impressed with the agricultural capabilities of England and the skill and industry of its rural population, than the visitor who came by the way of Dover or Sandwich. Plunging under the directions of a guide through a tangle of wood and scrub, the remnants of the former forest which surrounded the city, and avoiding the main roads in his fear of the numerous robbers who lurked along its margin,[1] he made his way into Canterbury past the gallows of the archbishop, or halted at one or other of the inns at Sittingbourne, until he could be joined by travellers journeying along the same road, in whose company he might fairly hope to reach Gravesend in safety, and be able to take his passage in the boat from that town to London. The old cherry gardens which he passed on his way—for Kent was the cherry garden and apple orchard of England—were at this date neglected and unsightly.[2] At Rochester he would, if prudent, avoid the perils of the dilapidated bridge which crossed the Medway, and rather make use of the ferry-boat, and try to time his journey by passing over "high old robbing Gadshill"[3] in broad daylight, and even then keep his eye on the line of the horizon, and be ready to increase his speed into a flight should any suspicious figure make its appearance on either hand. Entering Gravesend, if certified that it was free from the plague, and that no pirates had been lately heard of between that place and the Tower of London,[4] he might well at his landing at Lion's Quay congratulate himself on his safety, and if devout would enter one or other of the churches of London, and offer up a thanksgiving for his escape from "perils of robbers" by land and by water.

[1] Lambarde's *Perambulation of Kent;* Furley's *Weald of Kent.*

[2] Lambarde's *Perambulation of Kent.*

[3] *Lansdowne MS.*, 213 (Brit. Mus.).

[4] In 1313 the boatmen of Gravesend were presented for taking 1*d.* instead of ½*d.* for each passenger up or down between Gravesend and London, and were enjoined to take only ½*d.* for each passenger.—Philpot's *Villare Cantium.* In the sixteenth century the fare had increased. "There is every tide a common passage by water to London . . . the which a man may pass for the value of two pence in the common barge, and in a tilt boat for vi^{d}.—*Smith's MS.*, Sloane, 2596 (Brit. Mus.).

Under any circumstances, and come by what road the traveller might, he would necessarily form an unfavourable estimate of the soil of England, and of the industry and morality of its inhabitants; and if disposed to express his honest opinion of the state of the agriculture of England from what he had seen, and also of the capabilities of the neglected plains he had passed, he might record his opinion somewhat in these terms: "Agriculture is not practised in the island beyond what is required for the consumption of the people, because were they to plough and sow all the land that is capable of cultivation, they might sell a quantity of grain to the surrounding countries. This negligence," the observant traveller would add, "is, however, atoned for by the immense profusion of every comestible animal, such as stags, goats, fallow deer, hares, rabbits, pigs, and an infinity of oxen?"[1]

Such an estimate made from the state of the country between the Kentish sea-board and London, however true if confined to that tract, would not be altogether accurate if applied to the whole country. It was not until the traveller had passed London, and had made his way through the woods which even in the beginning of the sixteenth century came almost up to its walls, and until he had crossed the northern heights which crowned the city, that he would be able to judge correctly of the richness of the soil of England, and of the amount of the skill and industry which, under great disadvantages, its yeomen displayed in agriculture.[2]

The furrows made by the ploughshare which may still be traced on lands now reserved for grazing are a proof that large tracts long given over to sheep and cattle were once under tillage.[3] It would, however, be a mistake for us to

[1] *Venetian Relation of England* (Camden Soc.), p. 10; Polydore Vergil, *Hist.*, lib. i. (Camd. Soc.), p. 5.

[2] "Here are some considerable tracts of arable land, as when you have passed London to go to Cambridge, Bristol, Newcastle; and near the road leading to and from Scotland you meet with some tolerably good land."—Pertin. As Pertin travelled in 1553, and passed through Kent, it would seem that he was not struck with the arable land of that county.

[3] Much of the moorland of North Staffordshire had been ploughed in

conclude that a larger growth of land than is at present cultivated for corn was at any one time under the plough. We know that much of the best land in the kingdom was not broken up until of late years. A great part of the present pasture and wheat lands were, at the close of the Middle Ages, marsh, fen, heath, or woodland. Large districts in all parts of England were then covered with trees; most of our towns and cities were surrounded by a wide belt of common land of heather and forest. This was the aspect of London, York, Liverpool, Winchester, Canterbury, Oxford, and, indeed, of most of our towns. Our early kings, Norman and Angevine, had been passionately devoted to the chase, and extensive tracts of land were rigorously guarded from the assaults of the plough, in order that royalty might follow this sport without interruption. The nobility were not slow to imitate the example of the sovereign, and reserved large "closures and parks, paled and enclosed," for hunting.[1] More powerful motives, however, led to the preservation of the forests and chases; they supplied lopping of trees and ivy for litter and for the browsing of such flocks and herds as were not salted down at the coming of winter,[2] and very extensive tracts of woodland were necessary for a sufficient supply of fuel. Up to the reign of Henry VII., though mineral coal had for many years been used in several counties for the smelting of iron, copper, lead, and other metals, and for brewing and similar purposes, wood was still mainly relied on for domestic use. Essex at the date of the Conquest had long been with hardly any exception an unbroken forest,[3] and though the demands

the time of the Romans, when the county supported a larger population than it did in the days of the Tudors. For the north, see Mr. Raine in preface to Part II., *History of Hexham Priory*, p. xiv. (Surtees Soc.).

[1] Polydore Vergil in *Hist. Ang.*, lib. i., p. 5.

[2] Fitzherbert's *Husbandry*, pp. 77, 78 (edit. 1767).

[3] "Sometime all forest save one hundred."—Harrison; Norden, *Chorographical Descrip. of Essex* (Camd. Soc.), p. 9. Much later than this Drayton speaks of Essex with—

"Her upland grounds,
Which lately wooded were when men these woods did prize."
Polyolbion, Song xxiii.

of London for house-building timber, and for furniture and fuel, had led to the cutting down the greater part of the trees, the northern division of the county was still covered with a forest of sufficient importance to require the services of the Earl of Oxford, and to repay in fees and perquisites his devotion to the cause of the House of Lancaster.[1] The immense forest of Andreswald, once covering the whole county of Sussex except a narrow strip of sea-board, and extending into the adjacent counties of Kent and Hampshire, had so long fed the iron forges of Sussex and Kent that its limits had been greatly curtailed. Still a large portion of the ancient forests remained.[2] The forests of Hampshire, Wilts, Dorset, and others of the southern counties, had shrunk in extent from the same cause. The remains of the forest of Bernewood still hung on the slopes of the hills of Buckinghamshire and extended into Oxfordshire, whilst west of the Severn the country which had abounded for centuries in thick woods still supported its ancient character. The great forest of Dean, however, had been thinned for fuel to feed the iron furnaces, and men contemplated with dismay the total extinction of these forests, and the probable necessity of having to resort for warmth to turf, furze, sedge, reed, and even to so undesirable a fuel as "sea coal."[3]

[1] Yet in the middle of the sixteenth century Smith (*Sloane MS.*, 2596, Brit. Mus.) speaks of this county as sixty miles from E. to W., of which about twenty, he says, is forest.—*Seventh Report of Hist. Commiss.*, p. 629.

[2] Drayton in *Polyolbion*, Song xvii., and Selden's note. Cannon were first cast at Buxted in this county.—*Fifth Report of Hist. Commiss.*, p. 305. On the consumption of timber in Sussex, see Smith's *England's Improvement Revived*, p. 9. In the reign of Henry VIII. several ironmasters migrated from this county and settled in Glamorganshire; yet in 1653 there were twenty-seven furnaces at work in Sussex.—*Sussex Archæological Collection*, vol. xviii.

[3] If the cutting of wood goes on, "it is to be feared that the fennie bote, broome, turffe, gall, heath, furze, whinnas, ling, dies, hassocks, flags, straw, sedge, reed, rush, and also sea coal will be good merchandize even in the city of London, whereunto some of them even now have gotten ready passage, and taken up their vills in the greatest men's parlours."

This dreaded time had, however, not arrived at the end of the fifteenth century. In the map of mediæval England a series of forests, chases, and fens extended from Lincoln to the banks of the Mersey, and in almost one unbroken mass of swamp and woodland from the Mersey to the Solway and Tweed. In Staffordshire, south of the wild moorland district,[1] Cannock Chase was covered with gigantic oaks,[2] and Needwood sheltered immense herds of deer.[3] The forests of Arden in Warwickshire, of Wittleswood in Northamptonshire,[4] and of Charnwood in Leicestershire, filled a large part of these counties, whilst Sherwood covered well nigh the whole of Nottinghamshire, and extended into Yorkshire and Derbyshire.[5] Shirlot and Thorpe in Shropshire; and the royal forest of Macclesfield in Cheshire, the Lyme of our old chroniclers, were but the remains of the same continuous sweep of forest land, broken up even at the date of the first Tudor king only by occasional strips of pasture land and cornfields, though containing within its circuit hamlets and towns, lone parish churches and stately monasteries. To the north of this tract of wild forest ground commenced the forest of Knaresborough, and the forest and swamps of Gualtres, extending from Sheriff Hutton almost to the gates of York.[6] Still further to the north a large portion of Northumberland was covered by the forest of

[1] A line drawn across North Staffordshire at Uttoxeter will roughly divide the moorland district, the "bleak extensive moors" (Aitkin) on the north from the forest land on the south.

[2] "A spacious forest, and full of parks in which the neighbouring gentry eagerly pursue the cheerful sport of hunting."—Camden.

[3] In 1656 Needwood forest covered 9,229 acres, and at the close of the seventeenth century was estimated still to feed 20,000 deer.

[4] "The wild cat is still met with in this forest."—Camden.

[5] Within the boundaries of the forest stood the two abbeys of Rufford and Newstead. Its chief claim to popular remembrance, however, is the circumstance that it was the domain or retreat of the popular outlaw, Robin Hood.

[6] "In the memory of the father of an old man lately deceased there was so thick a wood, that a person was employed for directing travellers over that very place where now is the full road betwixt Leeds and Wakefield."—Thoresby's *Ducatus Leodiensis* (ed. Whitaker, p. 184); Davies' *York Records*, p. 212.

Cheviot; whilst Westmoreland had its forests of Westwood and Inglewood.[1]

Part of these forests were of comparatively recent growth. Thousands of acres had been laid waste and afforested by the first Norman kings, and the increase of population after their time had been too slow to encourage to any considerable extent the conversion of the woodlands into pasture or tillage grounds, or even to check the growth of these forests. England at the close of the fifteenth century probably supported a much smaller population than it did when this country was a part of the Roman empire, and to the present day the luxurious villas of the Roman settlers in Britain are frequently discovered in the recesses of woods, on wild wastes, or under a soil cleared and cultivated only in recent years.[2]

There were few inducements to careful husbandry, none for any outlay of capital in draining the fens, or in clearing the forest land for wheat. The ground already broken up and under tillage produced in favourable seasons sufficient corn for the scanty population, and the farmer hoped that he should be rewarded by such favourable seasons in the future. When land was broken up, or assarted[3] and tilled for corn, it was because the forest had been cleared for fuel, and not because it was required for wheat. The crops reaped were at all times too small for exportation. Had there, indeed, been any such demand for corn on the continent, it would not have been easy to carry it to a port over the miserable roads of this country, and the profit of wheat on the spot where grown was so inadequate that the farmer preferred to rear sheep rather than spend his labours upon the more precarious and little remunerative

[1] Nicholson and Burns' *History of Westmoreland and Cumberland.*

[2] Evelyn's *Sylva*, chap. iii., § 5 (2nd edit.); Thoresby's *Diary*, vol. i., p. 376; Kemble's *Saxons in England*, vol. ii., p. 297.

[3] Spelman derives *assartum* from *exertum*, to pull up by the roots; it was the greatest offence that could be offered against the forest laws (Manwood on *Forest Law*, part i.). "Assart or grubbed up wood ground." —Browne Willis, *History of Bucks*, p. 175. "Assert is when a forest or wood or bushy ground is turned up and tilled."—Crompton on *Jurisdiction of Courts*, &c., p. 203, *in dorso*. See in Jacobs' *Law Dictionary*.

growth of corn. Wool was at all times a safe commodity. The number of looms, as well in Italy and Flanders as in England, assured a certain demand for wool, which therefore gave a larger return than any other farm produce. Again, the amount of labour required, and the wages which were paid on a sheep farm, were small in comparison to what was required upon arable land. Along the borders of Scotland it would have been folly to grow crops which could be easily destroyed. Grazing land for sheep, which could be driven to a place of security on the approach of the moss troopers, or wild pasture ground for a horse that could wade the Solway, and "bear a man twenty miles within Scotland and back again without a bait,"[1] was all that could be held with any chance of profit. Altogether it was not surprising that agriculture was declining, that corn lands were allowed to go out of tillage and were being converted in many places into grazing land for sheep or goats, and men were patient of the large wastes in the midland districts of England, the fens of the eastern counties, and the mosses of the northern shires, because the land under cultivation was more than equal to the wants of the country in good seasons, and even then hardly repaid the labour of the cultivator.

From the sea-board of Suffolk and Norfolk inland to Norwich, and on the north coast almost to the limits of the great level, stretched a series of swamps, quagmires, small lakes and "broads."[2] These were valued for the wild fowl which were taken in decoys along their banks, for the eels, bream, pike, and other fish which swarmed in their waters, and for the reeds which supplied litter for such cattle as were kept alive during the winter months, and afforded a serviceable and desirable

[1] Lyson's *Magna Britannia*, vol. iv. See Scott's *Monastery* for a picture of the condition of the borders of England and Scotland in the sixteenth century.

[2] "The etymology of 'broad' is curious, namely, a broadening out of the rivers into lakes, the broads being intimately connected with the rivers which in some cases flow through them, and in others are only divided from them by a reed-bed."—Davies' *Broads and Rivers of Norfolk*, p. 2.

thatching for the houses of the farmers and their labourers.[1] Between Beccles and Bungay the shallow waters of one of these lakelets, now drained, covered more than a thousand acres.[2] Even to the present day Breydon, at a little distance to the north-east of Beccles, is about twelve hundred acres in extent, but was then far larger. These "broads," formed at the mouth of almost all the rivers of both Norfolk and Suffolk, were regions of fever and ague to the labourers who lived along the banks of these marsh waters. There were more than a score of such "broads" in the two East-Anglian counties.[3]

Covering a large extent of Cambridgeshire, Huntingdon, Northamptonshire, Lincoln, Norfolk, and Suffolk, the great fen, known by the name of the "the great level," was "in length not less than sixty miles, and in breadth from Peterborough to Brandon in Suffolk near forty miles."[4] This fen contained more than three hundred thousand acres of shallow, almost stagnant water,[5] which were covered with patches of reeds and sedge. Its waters supplied the religious houses which owned the fen with abundant supplies of pike, eels, and other fish. Along its margin "large store of turfes" were cut for winter use.[6] The downs which sloped to its surface were the favourite haunts of flocks of cranes, whilst the marshes which spread beyond the fen were the homes of the solitary, but not infrequent bittern.[7] The drainage of this fen was commenced in the time of Edward I., but the attempt was abandoned in the days which immediately followed his death. At the beginning of the sixteenth century the value of the fen was probably far greater than an equal quantity of solid land would have been.[8] It re-

[1] "Reeds will preserve a roof twice as long as tile."—Kent's *Agricultural Report on Norfolk*, p. 31.

[2] Suckling's *Suffolk*, vol. i., p. 5.

[3] See Davies' *Broads and Rivers of Norfolk*.

[4] *Historical Account of the Great Level*, by W. Elstobb, p. 4.

[5] 307,242 acres.

[6] 1348, "Alan, Prior of Ely, granted to Thomas Louvel the office of constable of the castle of Wisbeach . . . to have yearly 40,000 turves for fire."—*Sixth Rep. Comm. on Hist. MSS.*, p. 300.

[7] Morris's *Hist. of British Birds*, vol. v.

[8] *Chron. Jocelini de Brakelonda*, notes at p. 151 (Camd. Soc.).

mained half land, half water—in winter a great expanse of water, in summer a dreary swamp—until times of peace allowed of the increase of the population and with it the increase in the value of land which encouraged the draining of the great fen.[1] This fen had once been covered with forests, mostly of fir, birch, and oak, and many trunks of these trees were found by the labourers engaged in draining the great level. This level, however, was not drained until more than a hundred years after the commencement of the sixteenth century. In the fifteenth century Lincoln and Ely, Croyland and Peterborough, with other churches and monastic houses, looked down upon a wide aguish tract of marsh land, dotted over with small islands covered with coarse hay, fern, and bulrushes, the homes of flocks of coots, wild ducks, and other water-fowl.[2]

North and north-west of the great fen, Hatfield Chase was estimated to cover one hundred and eighty thousand acres of land and water. Like the great fen, it was drowned land, which had been made by the overflow of the Trent, Ouse, Don, and their affluents. At the accession of Henry VII. the tenant who pared the surface of the ground for fuel, saw beneath the turf the marks of the ploughshare which his British or old English forefathers had made when cultivating what was then arable land. For a time much of the chase had been covered with heather, a fact of which the memory is still preserved in the name of this district, Heathfield or Hatfield. According to general belief it had been the battle-ground between Penda of Mercia and Edwin of Northumberland, and here according to tradition the latter chief was killed.[3] It was reduced by after-neglect to a state of swamp and bog, broken by strips of forest and habitable land. Over

[1] Gardiner's *Fall of the Monarchy of Charles I.*, vol. i., p. 86.

[2] Dugdale on *Embanking;* Elstobb's *Historical Account of the Great Level;* Stukeley's *Itinerary.*

[3] "In the plain that is called Haethfelth."—Bede's *Ecc. Hist.*, book ii., chap. 20, § 146; *The Saxon Chron. s. a.; Florence of Worcester;* Pearson's *Hist. of England in Early and Middle Ages*, vol. i., p. 137 (2nd edit.). There are some, however, who consider that Hatfield near Sherwood was the scene of this battle.

its extent the deer found pasturage, and the poacher and outlaw a tolerably safe retreat. Venison, it was said, was as abundant in the cottages of the poor as mutton.[1] The chase was good hunting-ground for other animals than deer. It was the home of the fox and beaver, the otter and wild cat, whilst its shallows yielded an abundant harvest of eels and perch, of pike and trout.[2] It was an amphibious land tenanted by amphibious men who possessed copyhold rights in the fish taken in the waters, as is the case in several of the Norfolk "broads" now.[3] Like the great fen to the south, the drainage of the chase was not resumed until the time of Charles I., when Cornelius Vermuyden, a celebrated Dutch engineer, completed the task of draining Hatfield, which had been suspended since the days of the great Plantagenet.[4]

North of the Humber the "marshy land"[5] and fens of Holderness, especially those in the tract of land lying between Hull and Beverley, were even in the last century, when they had been partially drained, characterized as "a disgrace to the county."[6] At the beginning of the sixteenth century, though on a reduced scale, they bore the same character as the fens and morasses of Lincolnshire.

[1] Leland speaks of "great plenty of red deer which haunt the fens and mores thereabouts" in his time. See Hunter's *South Yorkshire*, vol. i., p. 157, and De la Pryme's *Diary* (Surtees Soc.).

[2] The account preserved of the animals killed by Edward Baliol, King of Scotland, in 1356, on one of his visits to the chase, gives an interesting glimpse of the comestible tenants of the fen. He killed 16 hinds, 6 does, 8 stags, 3 calves, and 6 kids; in the park—8 damas, 1 sourum, 1 sourellum [sourellus, dama triennis—Ducange]; in the ponds—2 pikes of three and a half feet in length, 3 of three feet long, 20 of two and a half feet, 20 of two feet, 50 pickerels of one and a half feet, 6 of one foot, 109 perch, roach, tench, and skelys, and 6 bremes and bremettes.—Rymer's *Fœdera*, Oct. 19, 1356.

[3] There were fifty of such copyhold fisheries in Hatfield.—Hunter's *Hist. of South Yorkshire*, vol. i., p. 157.

[4] Dugdale on *Embanking;* M'Culloch's *Statistical Account of the British Empire*, vol. i., part i., chap. i., § 4.

[5] Chaucer.

[6] Poulson's *Hist. of Holderness;* Marshall's *Rural Economy of Yorkshire*, vol. i., p. 183, vol. ii., p. 260.

To the west of Yorkshire, with its extensive sweep of wold, swamp, heather, and forest, a great part of Lancashire was at the accession of the house of Tudor a region of marshes and quaking mosses, which made the surrounding country unhealthy. The surface was covered with large tracts of peat, cotton grass, bilberries, and bog myrtle. Underneath these marsh plants were found, as in the other fens, trunks of fir, of birch, and of oaks, often of gigantic size, the remains of the large forests which had previously covered the soil.[1] There were not wanting, however, the promise that these desolate tracts would at a future time be reclaimed by the plough. Below the covering of peat fit for firing, in several places beds of marl had been discovered, and this favourite manure of the Middle Ages was in the sixteenth century being applied to the hitherto barren soil and was making it productive.[2] Drayton mentions beds of marl as a characteristic of Chatmoss, between Manchester and Liverpool.[3] Much of this moss, however, remained undrained until the present century. At the end of the fifteenth century the site of Liverpool was belted round by large woods and was covered by a series of mosses, whilst the surface where the present city stands consisted of peat which afforded fuel for the few inhabitants who had built their houses along the banks of the Mersey.[4]

North, then, of the Humber the country was in this way divided from the southern part of the kingdom. From Norwich to Liverpool, and from the mouth of the Ouse at Lynn to the Mersey, where it falls into the Irish sea, a line of fen, uncultivated moors, and morasses stretched across England

[1] Leland's *Itin.;* Camden's *Britannia* (Gibson's edit.), p. 801 ; Baines' *Hist. Lancashire*, vol. iii., p. 131.

[2] "Marle which makes the worst land good."—Camden.

[3] Speaking in the person of the river Irwell, he says—

> "Great Chatmosse at my fall,
> Lyes full of Turfe and Marle her unctuous minerall."
>
> *The Polyolbion*, Song xxvii., lines 57, 58.

[4] Leigh's *Nat. History of Lancashire*, &c., book i., chap. iii. ; *Transactions of Hist. Soc. of Lancashire and Cheshire*, 1865-6 ; Baines' *Hist. of Lancashire.*

and separated the northern counties from the midland districts, the old territory of Mercia.[1] Much of the ground along this line, which was not swamp, was covered with tracts of pathless forests which the traveller could only hope to pass through in safety under the care of guides appointed for that purpose.

Agriculture.—The chief corn-growing counties of England were those lying immediately to the north of London, extending from Suffolk on the east to Gloucestershire on the west, including the southern districts of Staffordshire and Leicestershire. The northern part of Staffordshire was a thinly peopled moorland, swelling into barren heights the "mighty wilds" of the poet;[2] and Derbyshire was for the most part given over to heather, and was tenanted by a rough population of miners. Beyond these counties, and north of the Humber and Mersey, the quantity of woodland and the large extent of surface water so far increased the coldness of the climate as to limit the growth of wheat, barley, and rye,[3] and even the crop of oats, almost the only description of corn grown in the north of England, was not considerable. Rye, indeed, at the end of the Middle Ages had in most of the southern districts almost disappeared from the market returns.[4] From the borders of Derbyshire to the valley of the Tweed, this country still bore marks of the desolate state to which the passion or the policy of William the Norman had reduced it. If in any direction this district had for a while seemed improving, it had been again reduced to desolation by the incursions of the Scots. At the commencement of

[1] The extent of such fens and the character of the population living on their margin is seen in the use of "fenny and moorish" as equivalents for boorish and ignorant. See Bishop Jeremy Taylor's *Works*, vol. i., p. 22 (ed. Eden).

[2] "Mighty wilds."—Drayton's *Polyolbion*, Song xi.; "shaggy heaths," *ib.* xii.

[3] "Rye groweth very well in most parts of England, especially towards the north."—Gerarde's *Herbal.*

[4] It ceased to be cultivated in the south and central parts of England in the middle of the fifteenth century.—Rogers' *Six Centuries of Work and Wages*, p. 60. On the inferior value of oats as a nutritious food, see Adam Smith, *On Wealth of Nations*, Book I., chap. ii., part i. (vol. i., p. 222, edit. 1806).

the sixteenth century much of Yorkshire and of the other northern counties presented the aspect of ranges of barren heights the slopes of which were covered with dense woods, whilst the more level grounds gave occupation only to a scanty number of labourers, who drew a precarious subsistence from the neglected soil. How uncultivated much of this region was, is evident from a significant provision in one of the acts of parliament for the regulation of wages. By this statute, whilst labourers in general throughout England were forbidden to wander from the parishes where they dwelt in winter, "to serve the summer in another place," the workfolk living in the counties of Stafford, Lancaster, and Derby, the people of Craven and those living along the marches of Wales and Scotland, were exempted from the usual "penalties for going to seek work," since there was little work to be had in this dreary waste of heath, forest, and sheep walks.[1]

In 1500, the London markets relied for their supply of cheese upon the meadows and marshes of Essex.[2] Huntingdon, Cambridgeshire, Northampton, and Bedfordshire furnished the brewers of London with the best malt and monopolized the custom of the royal household.[3] The southern districts of Leicestershire yielded good wheat; this county, however, was better known for the abundance and goodness of its crops of pease and beans, then far more important to the farmer than they are at present.[4] The heavy alluvial flats of Cambridgeshire were equally famous for their "marvellous fine corn land" and for their fat and fertile pasture ground.[5] The

[1] 25 Edward III., Stat. II., cap. 2.

[2] *Chron. of Greyfriars* (Camd. Soc.), p. 62. Drayton, in *Polyolbion*, Song xix., speaking of Essex, says—

"Cheese which our fat soil to every quarter sends."

"In these parts are the great and huge cheeses made, wondered at for their massiveness and thickness."—Norden's *Description of Essex*, p. 8. In *Piers Plowman's Vision* we read of "a wey of Essex cheese," passus v., 93, and see note in edition of Early Text Society.

[3] 17 Rich. II., cap. 4.

[4] Burton's *History of Leicestershire*, p. 31 (2nd edit.).

[5] Leland's *Itin.*; Tytler's *Edward VI. and Mary*, vol. ii., pp. 128, 130.

roads, however, which from long neglect had now become in many places almost impassable for waggons, prevented the removal of much corn to any great distance from the harvest field, and thus restricted the value of a good load of corn or hay. To encourage the carriage of corn over such roads, and to prevent the towns suffering from want of food, the toll on a horse-load—for corn was carried on horseback—was reduced below what was levied on all other commodities. Whilst "every horse laden with a pack of marketable goods" paid, in some places, probably in most places, a toll of one penny, a corn-laden beast was charged only one farthing.[1] Notwithstanding, however, this "bounty" on the exportation of corn from one district to another, great part of the annual produce of the soil of England could only be made use of close to the spot where it had been gathered. The state of the roads kept up the price of corn when abundant, and increased its price when it was less plentiful. Notwithstanding the advantage it possessed from its nearness to the London market, the average rent of arable land in Hertfordshire, throughout the thirteenth, fourteenth, and fifteenth centuries, hardly reached fourpence per acre.[2]

Between the times of the Norman Conquest and the battle of Bosworth field the progress of agriculture in England was almost as imperceptible as the growth of its population.[3] For

[1] *Materials for Hist. of Henry VII.*, vol. ii., p. 332. The instance given is from the table of tolls in Hertfordshire in 1488.

[2] "Hertfordshire south and west yieldeth good wheat and oates, but of its owne nature most inclined to wood and coupisses, affording also faire ways. In the north part of the shire the soyle is very apt to yield corne and dirtie wayes."—Norden, *Description of Hertfordshire.* For rental of land in this county, see Clutterbuck's *Hist. of Hertfordshire, passim.*

[3] "It may seem a long step to pass from the reign of Henry III. to the reign of George III., and yet M. Delisle assures us that there was little advance or change of any kind in Norman agriculture in the course of eight centuries, and I fear that as much might be said of England. . . . I really believe that some lands had been better cultivated under Edward the Confessor than they were in the early part of the reign of George III." —Morgan's *England under the Norman Occupation*, pp. 87, 91; Kemble's *Saxons in England*, vol. i., p. 112.

the greater part of the fourteenth century, until the middle of the fifteenth century, that is, from the accession of Edward III. until the death of Henry VI., the depression of agriculture was shown in the decline of rents and in the scanty produce of the harvest field. In the latter part of the thirteenth, and at the beginning of the following century, much corn land had been let at sixpence an acre and occasionally as high as eightpence or even ninepence for the acre—sums equivalent to twelve and fifteen shillings of money of present value[1]—a large rent when we consider the small returns obtained from the ground. During the hundred years from 1350 to 1450, we meet with comparatively few notices of so high a rental as this, and when we take into account the decline in the purchasing power of money, this implies a large reduction in the rental of farms. In the latter half of the fifteenth century rents rose again, and were nominally, at least, as high as in 1300, though in reality they were still much lower than in the thirteenth century. In the beginning of the sixteenth century, however, consequent on peace and the increase of enclosures, land was tilled with greater care, its productive value had increased, and rents were generally rising. Demesne lands were better manured than the bulk of arable lands, and perhaps for that reason they at all times obtained a higher rent than lands out of demesne, and the lands of the monastic bodies from their superior condition were let at a rate above the average, in some instances, indeed, considerably above the average.[2] In most districts of the country, meadow land was rented at a far higher rate than arable land,[3] whilst marled land was let at double the

[1] Hallam's *Middle Ages*, vol. iii., p. 363 (ed. 1855); Rogers' *Hist. of Prices, &c.*, vol. i., p. 612.

[2] Thus much of the arable land of the Knights' Hospitallers was let in the year 1338 at one shilling, eighteen pence, and even at two shillings per acre—a rent rarely obtained for other lands. See J. Mitchell Kemble's Introduction to Accounts of the Estates *Of the Knights Hospitallers in England* (Camden Soc.).

[3] At Hawsted in the fourteenth century, "arable land was to meadow in point of value in about the proportion of one to eight."—Cullum's *Hist. of Hawsted*, p. 215. In an extent of the manors of the priory of

amount of other lands. So long, however, as wheat lands lay unenclosed, and this was the case with most of the arable land throughout the kingdom at the beginning of the sixteenth century,[1] few improvements could be effected, and it was the opinion of agriculturists and of political economists that the soil of England was more fit for the rearing of stock than for the raising of corn.[2]

The expense of corn growing and the small return of corn per acre seemed to justify this opinion. Labour was scarce; yet the open fields required to be watched by the hayward in order to prevent cattle from straying into the corn, and the expense of the farmer was increased by the labour for which he was compelled to pay. It was one of the popular arguments against enclosures that they would render such employments unnecessary, and thus deprive the labourer of one of his means of living. Again, clover and turnips were unknown to the farmer of those days, and manure was scarce.[3] This led to much of the arable land lying fallow about once in three years or even more frequently. No number of fallows, however, increased the productiveness of the soil. The quantity of wheat secured at harvest time could not well be smaller than it was throughout the greater part of the Middle Ages. If the yield of wheat fell below six bushels to the acre the crop was looked upon as a failure;[4] it

Okeburn, Wilts, in 1324, whilst arable land let at 2*d.* per acre, meadow was let at 20*d.*—Napier's *Hist. Notices of Swyncombe and Ewelme.* The disproportion was sometimes greater than this.

[1] See notices in Leland's *Itinerary*, *passim.*

[2] "The soile of Britaine . . . is more inclined to feeding and grazing than profitable for tillage and bearing of corne, by reason whereof the countrie is wonderfulie replenished with neat and all kind of cattle : and such store is there also of the same in everie place, that the fourth part of the land is scarcelie manured for the provision and maintenance of graine."—Harrison's *Description of Britain*, chap. xviii.

[3] Clover, though recommended by Blythe in 1652 (*The Improver Improved*), was a new crop in 1688.—*Systema Agricultura*, part ii., p. 21; Cullum's *Hist. of Hawsted*, p. 249. On turnips, see *British Husbandry* (L. U. K.), vol. ii., p. 231.

[4] Naase, *On the Agricultural Community of the Middle Ages*, p. 6.

oftentimes did not yield six bushels; it seldom reached to double that number of bushels. Judging from the accounts we have of crops of wheat, it appears that the usual return was about eight or nine bushels per acre,[1] and since the average quantity of wheat sown on an acre of land rather exceeded the two bushels which is thought sufficient by a modern farmer,[2] the smallness of such a return as even eight bushels is at once evident. This scanty return was becoming more scanty at the end of the fifteenth century. It is surprising under such circumstances that wheat continued to be grown, since it was seldom a remunerative crop.[3] An acre of common on a hill-side, with a sprinkling of gorse or furze, which could be cut for fuel, was estimated by Fitzherbert to be as valuable as two acres of arable land.[4]

Manures.—Among the stated services due from almost all villains to their lords was that of labouring for a certain number of days in every year in carrying manure from the manor farms and spreading it on the demesne lands.[5]

The oldest material used for manure of which we have any notice was lime,[6] and though other dressings for land were made use of at the end of the fifteenth century, lime still continued to be bought by the farmer for this purpose, though its great price at that time hindered its use to any large extent. The favourite manure in the Middle Ages, as Pliny tells us it had been among the Britons at the time of the Roman occupation

[1] *Fleta*, lib. ii., cap. 8; Cullum's *Hawsted;* Sir F. M. Eden's *State of the Poor*, vol. i., p. 48.

[2] 1364-5. Bailiff's *Accounts of Manor of Gravesend.* Under tillage, 133 acres; in wheat, 45½ acres; rye, 9½ acres. Seed per acre in each case, 3 bushels per acre.—Cruden's *Hist. of Gravesend.* Two bushels and a half was known as the usual quantity.

[3] In undrained land, or land imperfectly drained, more seed would be used and wasted. "In sowing, the step and hand go together. When the land is clammy, the seedsman takes short steps, and gives the field more handfuls. A clammy seedness is generally followed by an unproductive harvest."—Gisborne's *Essays on Agriculture*, p. 182.

[4] Fitzherbert's *Surveyinge*, chap. xxx.

[5] "Hors del scite del manor."—Lyttleton's *Tenures*, sect. 172.

[6] Pearson's *Hist. of England*, vol. i., p. 15, and authorities quoted.

of England, was marl. This earth was valued throughout the Middle Ages for its permanent effects. According to Harrison, these lasted commonly for fourscore years, or, according to the estimate of Fitzherbert in the fifteenth century, and of Arthur Young in the eighteenth century, marl would fertilize "twenty crops" in succession, without need of renewal.[1] Marl, however, was less used in the fifteenth century than in the thirteenth. With a long course of bad years, and the heavy drain upon the resources of the farmer by the demands of the war, he seems to have lost heart—a fact shown in the declining state of agriculture throughout this country. Marling indeed had been largely neglected during the troubles of the previous two centuries,[2] and, as Fitzherbert suggests, may have been less attended to, in part, because of the unsatisfactory tenure by which the farmer now held his land.[3] There were but few leases, whilst it required an outlay equal to nine or ten years' rental to marl arable land, and this neither tenant nor landlord could afford. Of course the yearly tenant would not attempt to do this. For, as Fitzherbert tells us, though "marle mendeth all manner of ground, it is costly." Indeed, to compost land well was done at an expense almost equivalent to the value of the fee simple of the ground. In the beginning of the fourteenth century such lands were let at more than twice the sum paid for ordinary ground.[4]

[1] Fitzherbert's *Surveyinge*, chap. xxvii.; Young's *Farmer's Letters*, p. 7; *Annals of Agriculture*, 1793; Barrington on *Antient Statutes*, pp. 35, 36 (third edit.); Gervase Markham's *Farewell to Husbandry*, chap. vi.; Walter Blythe's *England's Improvement*, chap. xvii. and xviii.; Eyton's *Origin of English History*, p. 120; Seebohm's *English Village Community*, p. 248.

[2] "By means of the civil wars—as well the barons' wars as those between the houses of York and the family of Lancaster—marl was so given over and gone out of use until these thirty or forty years. that it may be said to have been then newly born and revived, than restored."—Gervase Markham.

[3] Fitzherbert's *Surveyinge*, chap. xxvii.

[4] "For one acre of land for three sowings iv^{s}, because it was composted."—9 Edward II., Winchester Corporation Accounts. in *Sixth Report of Hist. Commission on MSS.*, p. 598.

In the general absence of leases or of such security of tenure as would ensure the farmer the full benefit of his outlay on improvements, it is obvious that no tenant would incur the expense of marling his arable lands.

Of many varieties of marl, shell marl was the most valued. When the land to be dressed was near the coast, sea sand was used for manure, as it continues to be under the same circumstances.[1] Dung from the dove-house, which it was the privilege of the lord to maintain, sold high, and, as among the Romans of old, was in much request.[2] Stall manure was inconsiderable in quantity and of small account, though its value was insisted on in the various treatises of husbandry which had been written or translated for the instruction of the agriculturists. It was small in quantity, for there was little stall feeding, because of the practice of killing the beasts on a farm at the approach of winter, in order to salt their flesh for consumption. It was poor in quality, for the fodder on which the cattle fed was bad, and also because of the custom in summer of allowing the cattle to graze on the uncultivated and unenclosed waste.[3]

There was, however, one source which ought to have supplied large quantities of manure for the field. The practice of strewing the floors of churches and dwelling-houses in town and country with straw, hay, tree loppings, fern and rushes, and of permitting this mass of decayed vegetable matter to remain until it had become offensive to the smell and almost as highly charged with putrescence as the litter of a farmyard, ought to have placed at the disposal of the farmer a store of manure to enrich his fields. We hear, however, only of its occasional application to this purpose. The refuse of the towns, when any attention was paid to the disposal of it, was removed to the outskirts, and allowed to cumber the roadway

[1] *British Husbandry* (L. U. K.), vol. i., p. 312; *Fourth Report of Hist. Comm. on MSS.*, p. 377.

[2] Palladius on *Husbandry* (E. T. Soc.).

[3] "Manure by sheep penning (faldicium), by stall dung (femicium)." —Naase, *On the Agricultural Community of the Middle Ages*, p. 57.

until it was carried off by persons paid to clear it away. These scavengers were probably sensible of its value, and sometimes used it for fertilizing the ground.[1]

The neglect of manures was at once a symptom and a cause of the decline of agriculture at the end of the Middle Ages. At an earlier period some attention had been paid to composting, burning, and marling the ground. Towards the end of the thirteenth century lords of towns, whilst conceding or confirming the rights or privileges of the burgesses, sometimes stipulated that the sweepings of the streets should be reserved for the use of their own lands.[2] For the same reason cattle fairs were to be held on land belonging to the lord, whilst the tenants of manors, except in the rare instances where the *jus faldæ*, or right of folding their sheep on their own lands, had been conceded to them, were required to fold their sheep every night throughout the year, or for certain portions of the year, on the lands of their lord. This extended from Hoke Day, the second Tuesday after Easter, till St. Martin's Day, when the cattle for winter consumption were killed.[3] If the tenants failed to do this they were fined for their disobedience.[4] The shepherd of the manor, chosen in the manor court to take charge of the sheep of the villains or copyholders, was directed to bring the flocks of which he had charge to the demesne lands, that their dung might enrich the soil belonging to the lord.

[1] "For drawing the sewage from the foss into the courtyard, to carry the same into the fields, together with cleansing all the hospital, and carrying away the old hay that was put in the hospital, xiv^{d}."—*Sixth Report of Comm. on Hist. MSS.*, p. 567.

[2] "The said Alan [Basset] and his heirs shall have all the dung found in the streets of Wycombe."—Charter of Henry III. confirmed with this clause in 1257, and again in 1285.—Parker's *History of High Wycombe.*

[3] *Domesday of St. Paul's*, by Arch. Hale (Camden Soc.), p. 105; Naase, p. 66.

[4] Jacobs' *Law Dictionary*, art. *Faldage*, *Faldsey*, "jus faldæ: that is, the right to take a flock of sheep and pen them upon his own fields for the purpose of manuring them."—Du Cange. "Only some of the larger free possessors besides the lord of the manor had sometimes the same rights." See Naase, *The Agricultural Community of the Middle Ages*, p. 66.

The droppings of the day were, however, the perquisites of the shepherd.[1] In town accounts where the lord had not reserved to himself this right, there are entries of the sale of manure, the sweepings of the streets after a cattle fair. This abstraction of dung from the farms of the peasants in order that the whole benefit of it might accrue to the lord, was very disadvantageous to the lands of the tenants, and gave rise to much discontent.[2] The minuteness of the regulations as to the use of manure, and their maintenance in the fifteenth century, are, however, proofs of the attention paid in the Middle Ages to this important feature of agriculture—an echo, apparently, of the usage of earlier times.

It was clear at the end of the fifteenth century that the fertility of the arable land of England was well-nigh exhausted. The light superficial ploughing,[3] the frequent croppings without sufficient manure being applied to the land, and the neglect caused by the dearth of labourers, the rise in wages, and the scanty returns which prevented farmers from employing sufficient labour on the ground they occupied, compelled the changes which marked the end of this period. The rent of corn land was scarcely more than nominal. The average rental of an acre of arable land throughout England was less indeed than one day's wages of a carpenter or mason. In many places it did not exceed the wage paid for half a day's work.[4] The returns of wheat and other grain were incon-

[1] Wyclif in Sermons.—*Select English Works of Wyclif*, edit. Arnold, vol. i., p. 140.

[2] "For sale of dung (after cattle fair), vj^{d}."—Bridport Corporation Accounts, 18-19 Richard II.—*Sixth Report of Comm. Hist. MSS.*, p. 492. The sale of farm manure is said to have been commenced much later in the northern counties. "A plough land must have sheep : yea, they must have sheep to dung the ground for bearing of corn ; for if they have no sheep to help to fat the ground, they shall have but base corn and thin." —Latimer's *Seventh Sermon;* Naase, p. 67.

[3] Rogers' *Hist. of Prices*, vol. i., p. 15.

[4] Carpenters and masons were then receiving fourpence for a day's work, in country places twopence or threepence ; fair land was then letting at fourpence per acre, and inferior land at not more than half the sum.

siderable, and even this was diminishing. The demand for labour in the commercial and manufacturing towns—small as these towns were—forced up the wages of agricultural labourers beyond the means of the farmers. It was this which compelled them to lay down their lands in grass, and to turn their attention to sheep-farming. Many of the landowners had been impoverished by the war with France, and by the swarm of useless retainers it was the custom to maintain; and much of the land had passed into the possession of owners who regarded it on commercial principles, and screwed up their rents accordingly. Much present misery was the consequence. It is well, however, that necessity should have forced on the change. On every side the old arable fields were being converted into sheep pastures, and grazing became the chief occupation of our agriculturists during most part of the sixteenth century. Then the ground had the rest it needed.[1] The chief part of the sixteenth century was one long fallow for the old, exhausted arable lands, and when increasing population led to the breaking up again of the pastures, and the farmer returned to tillage with improved methods of agriculture, the land after so long a rest no longer returned only eight bushels to the acre. In the latter quarter of that century the crop of wheat rose to eighteen bushels, or even more, per acre, as now it yields an average little short of thirty bushels.[2] There were, up to the end of the fifteenth century, other hindrances to the introduction of improvements in agriculture. Until this time the customs of most manors compelled all the tenants to follow one rule, to farm as their neighbours did, to plough and reap at the same time, and to observe the same rotation of crops. In most parts of England, especially in the midland counties, three-field husbandry was the rule, and by this simple rotation of crops the farmer attempted to make up for the de-

[1] "Through general enclosures the exhausted clays of our open fields were allowed to recover their fertility by long rests in grass." "When our clays struck work we resorted to a general system of enclosures, which enabled us to give them rest without entire abandonment."—Gisborne's *Agricultural Essays*, pp. 186, 189.

[2] Gisborne, *Agricultural Essays*, p. 188.

ficiency of manure to his ground, but attempted to do so in vain. On the rich alluvial flats of some of the eastern counties three years of cropping were succeeded by a year of fallow, but in the lighter and sandier soils the fallow was in alternate years, and in some parts it was even necessary that two years of fallow should follow upon one of wheat. This same rotation was resorted to before the common fields belonging to a town could recover their fertility. We may assume that throughout the country, with inconsiderable exceptions, the usual routine was that of the three-field husbandry, wheat or rye; oats, barley, or beans; and then a fallow. Many, however, of these common fields were entirely given up to pasturage, and the customs on these lands differed.[1]

The common field system was wasteful. The land could never be sufficiently ploughed, since it usually lay in long strips, which did not admit of cross-ploughing. It could not be harrowed, and, as a consequence, could not be cleansed from weeds. As it was thrown open to all tenants and villagers on the manor after harvest time, it could rarely be manured —could never, indeed, be sufficiently manured—after it had been cropped.[2] The earliest enclosures were those on the pasture grounds; and arable lands, long after the end of the fifteenth century, according to the testimony of Leland and Harrison, remained unenclosed, and were common after harvest until the autumnal or spring ploughing. It is asserted by a very competent observer that the great bulk of the English common fields, when enclosures were becoming general, were so exhausted as barely to return four bushels for one of seed. "In fact, the common field system, which was one of a continuous carrying off of corn with no other aid than fallowing and a little light adventitious manure, soot, and so forth, had worn itself out" by the end of the fifteenth century.[3] The

[1] Naase on *Agricultural Communities of the Middle Ages*, in Maine, on *Village Communities*, pp. 95, 99. Compare *The Aryan Village in India and Ceylon*, by Sir J. B. Phear, chap. i., and chap. i. and ii. of second part.

[2] Kent's *General View of the Agriculture of Norfolk*, 1794, p. 22.

[3] Gisborne's *Agricultural Essays*.

attention which up to the beginning of the fourteenth century had been paid to marling the ground had declined during the times of war, pestilence, and famine, which made up a large part of the fourteenth and fifteenth centuries.

Enclosures.—Towards the end of the fifteenth century the enclosure of large parts of the manor waste became frequent, and opposition to it more active and bitter. The grievance complained of as to enclosures was twofold, and it is well to bear this fact in mind. So long as the hay pastures and corn-fields were unenclosed, the crops suffered from the sheep, swine, and cattle which strayed from off the waste. To prevent this, and to keep these animals from wandering from the common, special labourers—haywards, shepherds, and swineherds—were required, and additional expense was incurred by the farmer. Again, so long as cattle and sheep were in the habit of roaming over a large extent of uncultivated common ground to procure food, and were fed only on straw and tree loppings in the winter, they grew up ill-conditioned,[1] and agricultural writers were agreed for these reasons that it was desirable to enclose the pasture grounds. The success of enclosures was so marked that a full third, sometimes more than a third, was paid for the rent of enclosed fields over what could be obtained for open ground.[2] Such enclosures, however, were unpopular, because fewer labourers were required and some were thrown out of employment, and the tenants of newly enclosed lands had to be protected from mob violence.[3] The objections to these enclosures were the same as that of the Luddites in the early part of the present century, who

[1] Arthur Young's *Farmer's Tour through the East of England.* On the weight of cattle at various periods, see Note A at end of this chapter.

[2] "If an acre of land be worth sixpence or [ere] it be enclosed, it will be worth viii. pence when it is enclosed."—Fitzherbert on *Surveyinge*, chap. xl.

[3] Sir Thos. Berkeley (33 Edward III.) had licence to let his lands lying waste and untilled to what persons he would; and the king took into his protection all his farmers and tenants, the better to encourage them to take of him.—Smith's *Lives of the Berkeley Family*, p. 120. The next entry, however, is: "The people warlikely arrayed made an attack upon his park at Stoke, recently inclosed from the common."

combined to break the machines used for lace making, or of those who, a little later in the century, destroyed threshing machines. These enclosures, however, though early complained of,[1] affected the labourer to an inconsiderable extent, compared with the laying down the exhausted corn lands in grass, and the breaking up and appropriation of extensive tracts of common land for corn, too frequently without regard to the rights of the copyholders and of the cottagers living near the waste.

By the statute of Merton (1235-6)[2] permission had been given to landowners to appropriate portions of the waste of their manors over which the free and villain tenants had rights of pasturage and turbary. This statute provided that a sufficient quantity of the common should be reserved for the use of these tenants. Though the rights of tenants were safe-guarded, so far at least as they could be by the words of the statute, there was a vagueness in the words which led to differences between the lord and his tenants. There could be no precise rule laid down as to how much of the waste was to be deemed a sufficiency to be left for the tenants. The lord naturally differed from them on this point, and from the date of the statute disputes, lawsuits, and riots occurred, with the filling up of ditches and the pulling down of newly-erected hedges or fences by rioters "warlikely arrayed." When the Bishop of Bath and Wells enclosed part of the waste of his manor of Cheddar, we are told that "armed persons, many in number, both of horse and foot, assembled and beat his servants," and broke down the obnoxious enclosures as they did in the days of Henry VII.[3] It is probable that the licence

[1] *Rolls of Parliament*, vol. i., p. 59 (18 Edward I.).

[2] 20 Henry III., chap. iv.

[3] See in Smith's *Lives of the Berkeleys* (p. 130), an account of this riot. In 1410 the court rolls of Launton state that "the jurats present that all the tenants, freeholders and villeins 'assembled and brake an hedge of the land' which marked off a recent enclosure, 'and carried it away in contempt of the lord.'"—Blomfield, *Hist. of Launton*, MS. Such entries are numerous in manorial records at this period. See *Materials for Hist. of Reign of Henry VII.*, vol. ii., p. 461.

to enclose was sometimes given too freely. The permission, however, to enclose part of the waste was made use of only to a limited extent, and the exercise of the right gave rise only to local and partial discontent. These combinations for the protection of the waste led, in the reign of Edward I., to the passing of a statute which provided that "wherever dykes had been filled up and hedges removed in this tumultuous way, the towns adjoining should indite the trespassers, or themselves pay for the renewal of the enclosures." [1] But when the exhausted soil throughout England no longer paid the expense of corn-growing, the farmer could only live by grazing cattle; and since the riches of the landowner were no longer measured by the number of his retainers, but by the money at his disposal, enclosures, or rather appropriation of the commons and wastes, increased, and this occasioned eviction of tenants and much suffering. Discontent now became more general, and riot grew at times into insurrection. It is true that the only means by which the land could be saved from utter exhaustion was to lay it down in grass and enclose it permanently, and for the future to increase the proportion of meadow or pasture lands to those under tillage. Not the less, the hardship to tenants whilst this change was being effected, was real and great. Sir Thomas More speaks in indignant tones of "noblemen and gentlemen, yea, and certain abbots, who leave no ground for tillage; they enclose," he says, "all into pastures; they throw down houses; they pluck down towns and leave nothing standing, but only the church to be made a sheep-house;" or, in the words of a cotemporary ballad—

> "The townes go down, the land decayes;
> Off cornefeyldès, playnè layes;
> Great men makithe now a dayes
> A shepecott in the churche." [2]

[1] 13 Edward I., cap. 46.

[2] *Utopia;* "Now a dayes" (Ballad Society), lines 157-160; see also 161-168. This must have been common, since it is often referred to. See, *e.g.*, Dugdale's *Hist. of Warwickshire* (2nd edit.), vol. i., p. 51; *Rolls of Parliament*, vol. v., p. 206; Statutes, 4 Henry VII., cap. xix. (A.D. 1488).

And in a state document, the words of which were as carefully weighed as those of a king's speech at the opening of parliament, it is asserted of the whole kingdom that "this body falleth to decay daily by closures and emparking, by driving away of tenants and letting down of tenantries."[1] Complaints of these enclosures make up a great part of the political literature of the latter half of the fifteenth and of much of the sixteenth century. The preachers of the latter period, Latimer, Gilpin, Lever, and others, inveigh as strongly as Starkey and Sir Thomas More did at a somewhat earlier date, against the excessive change of arable into pasture ground. All these writers and preachers have left us graphic pictures of the moral and social evils caused by the appropriation of the common lands for sheep-farming.[2]

When, however, we take into account the obvious advantage of enclosures to the farmer, the larger returns from the land, and the increased rental obtained by the owner of the soil, and listen to the loud outcry against enclosures, we shall be surprised at the small quantity of land which was enclosed during the last half of the fifteenth and the first half of the sixteenth century. Towards the close of the seventeenth century half the land throughout England was still uncultivated, and "the proportion of unenclosed country which, if under husbandry of any kind, must have been wretchedly cultivated, seems to have been very great. From Abingdon to Gloucester, for example, a distance of forty or fifty miles, there was not a single enclosure, and scarcely an enclosure between Biggleswade and Lincoln."[3] As with many other improvements in agriculture, it was not until the latter half of the eighteenth century that any considerable advance was made in this respect over the England of the time of Edward I. The infrequency of enclosures which Leland, writing in the reign of Henry VIII., remarked on, is noted almost as con-

[1] *Grants of Edward V.*, p. lii. (Camden Soc.).

[2] *E.g.* More's *Utopia*, p. 41 (Arber) ; Latimer's *Last Sermon before King Edward;* Lever's *Sermons* (Arber), pp. 39, 89 ; Starkey's *Dialogue between Pole and Lupsett* (Early Text, Extra Series).

[3] Macaulay's *History of England*, chap. iii., note.

stantly by Arthur Young in his observations on the state of English agriculture made in the last century.[1]

The practice of enclosing the hitherto open pastures and arable lands was a decided gain to agriculture. Without it, in fact, there could be no real progress in husbandry. The evil to be deplored was the neglect to consider the rights of the tenants, especially of the small tenants and cottagers, when the common fields and wastes were enclosed or appropriated by the lord. There is no necessary connection between these two. When enclosures were effected, the claims of all the tenants of a manor might, and ought to have been considered.[2] Nor again must the practice of enclosing such lands be charged so much to the increase in the value of wool, which tempted the landowners to turn their tillage lands into sheep pastures, as to the diminishing quantity of the grain crop arising from the growing sterility of the soil. It was this sterility which compelled farmers to turn to some other employment than the raising of corn.

Though at the creation of a manor the waste was reserved for the joint use of the whole of the tenantry, as well as of the lord, the fee of the whole soil of the manor was held on the principle of the feudal law to be the property of the lord as fully as the fee of the whole kingdom was by a legal fiction held to be the property of the king.[3] The waste was spoken of both as "the common waste" and as "the lord's waste." It was both. If the tenant on a manor wished to round off his garden by adding to it a piece from the waste, the whole

[1] See Leland's *Itinerary;* Arthur Young's *Six Weeks' Tour in England*, 1769; *Six Months' Tour in North of England*, 1770; *Tour through the East of England*, 1771.

[2] On the similar injustice which marked the progress of the Scottish appropriation acts, see Innes' *Lectures on Scottish Legal Antiquities*, pp. 154, 155.

[3] A feud is "jus utendi prædio alieno : a right to use another man's land, not a property in it : for in true feodal speech the tenant or vassal hath nothing in the propriety of the soil itself, but it remaineth entirely unto the lord, and is comprehended under the usual name which we now give it of the seignory."—Sir Henry Spelman on *Feuds and Tenures*, chap. i., p. 2, *Posthumous Works.*

homage decided whether this might be done; but it was to the lord the tenant paid rent or compensation for this benefit. This was the law and practice of the thirteenth century, and so it remains at the present.[1] It is true the lord could not legally appropriate or enclose land for his own use without the consent of the whole homage,[2] the tenants of the manor, unless it was clearly shown that the common or waste land was in excess of their needs. The encroachment on the rights of the small tenants was due, not to the law, but to the strained interpretation of the law. A variety of circumstances was held by lawyers to limit the tenants' right of usage; chief among them was this, that the right was confined to those who held old copyholds. When through death without heirs, removal, non-residency, or forfeiture, old copyholds had become extinct —and this must have occurred in very many instances—the full right of the old tenure was said not to pass to the new copyholders who occupied the lands of the original tenants.[3] Probably at the time enclosures became general, the number of tenants who possessed a legal right to turn their cattle upon the manor waste was inconsiderable, though the number of those who used the common on sufferance was large, and the sudden withdrawal of their privilege was severely felt and resented. The outcry against these enclosures, indeed, was based on the harshness of the proceedings of the landowners more than on their illegality.

Game and Poaching.—At the end of the fifteenth century, herds of fallow and of red deer browsed in most of the forests and chases throughout England, and licenced hunters and,

[1] "1292. W^m^. Alvereds jun^r^. gives to the lord ij^s^. to lengthen a small piece of land outside his door." "Rodolf le Coupere gives to the lord xviij^d^. to have a small piece of ground outside his house, and he gives for rent i^d^. on the first of S^t^. Michael."—*Launton Court Rolls* in Blomfield's *History of Launton*, MS.; Elton on the *Law of Copyholds*.

[2] *Sixth Report of Commission on Historical Manuscripts*, p. 565 *bis*. So in some places, where rights of turbary existed, the quantity taken by a tenant was determined by four lawful burgesses and the lord's steward. —Hunter's *Hist. of Doncaster*, under *Bawtry*, vol. i., p. 70. This was the practice in the reign of Henry VII.

[3] Elton on the *Law of Copyholds*, p. 222.

notwithstanding all the watchfulness of the foresters, unlicenced peasants hunted these animals over the western moors, as they did along the margin of the great fens and heaths of Lincolnshire, Yorkshire, and others of the northern counties where they abounded.[1] In earlier days wild goats afforded a favourite sport to the country gentry, and at the close of the Middle Ages these animals were still preserved in no small numbers as beasts of chase,[2] especially, though by no means exclusively, in the northern parts of England. At the period now under review the wild boar made its lair in the recesses of many of our forests, and herds of wild swine in almost all of them.[3] The wolf was not extinct at this time. According to Langland it worried sheep, women and children, and was hunted "in waste places" at the end of the fourteenth century. It is believed, indeed, that it lingered in some parts of Great Britain as late as the reign of Henry VII. and the year 1500.[4] It is certain that it prowled in Scotland much later than this, and that a stated reward continued to be paid for its destruction by parish officers in the seventeenth century.[5] The wild cat, which is now but rarely found in the rough and wooded country in the north of Scotland, in the fifteenth century roamed for its prey in almost all our forests.[6] The fox was preserved for hunting by the lovers of the chase in some parts of England; in other parts it was destroyed to

[1] Polydore Vergil, *Hist. Ang.*, lib. i.; Leland's *Itinerary*, vol. i., p. 37; Streatfield's *Lincolnshire and the Danes*, p. 55.

[2] Of Sir Thomas Berkeley in the reign of Edward I. it is told that "he much delighted himself in hunting the deer, hare, foxe, and goat. He would lye out in the fields whole nights in Michaelwood thickets, then stocked with goats, and the forests of Coombe and Oselworth, then stored with foxes."—Smith's *Lives of the Berkeleys*, p. 113.

[3] Hasted's *Hist. of Kent*, *s. v.* Bleane Wood; Hartung's *Extinct British Animals*, vol. i.

[4] *Vision of Piers Plowman*, pass. x., lines 223-224 (ed. Skeat); Hartung's *Extinct British Animals*, pp. 115, 120.

[5] "Six poundis trittein shillings four pennies given this year (1621) to Thomas Gordaune for the killing of ane wolff and that according to the acts of the countrey."—*First Report of Hist. Commission*, p. 91.

[6] Gough's *Camden*, *s. v.* Whittlewood; Pike's *Hist. of Crime*, vol. i., p. 172.

prevent the havoc it would else have made, and was treated as vermin fit only for extermination.[1] In the reign of Henry IV. the manor of Laxton, in Northamptonshire, was held by grand serjeantry, "by the service of taking wolves, foxes, wild cats, cats, and other vermin in the counties of Northampton, Rutland, Oxford, Essex, Huntingdon, and Buckingham,"[2] which shows the estimation in which Reynard was held at that time. Until long after the beginning of the sixteenth century a price was set on his head, and rustic churchwardens paid for sparrows, ravens, foxes, and other enemies of the farmer.[3] The pine martin was not extinct in the southern counties of England, whilst the badger was more usually met with in all parts of this country than it is at the present day, but the beaver, once common in our English rivers, had at the end of the fifteenth century become scarce even in the rivers of Wales, its last retreats.[4] Game of all kinds, however, was as yet abundant, and poaching was a favourite occupation of the peasantry, and of others above the peasantry in station. The net, the snare, and the crossbow supplied the tables of wealthy townsmen, and sometimes of the farmers and peasants, with hares as well as rabbits, especially when these could not safely be sent to London or other markets for sale. Purchasers preferred birds and ground game which had been snared to those which had been mangled by arrows, and the skill of the park-keeper was shown in the way in which he sent up the game of an estate to market. The boast of an agricultural labourer employed in such work was—

[1] "Of foxes we have no great store, and also badgers in our light and sandy grounds; these two kinds, foxes and badgers, are preserved by gentlemen to hunt."—Harrison; Rogers on *Prices*, &c., vol. i., p. 283.

[2] Blount's *Landed Tenures*, edit. Hazlitt.

[3] In parish accounts in North Devon are entries: "1601, for a fox' head, 12*d.*; 1615, for a fitches head, 2*d.*; 1638-9, Paid for three wild cats' heads, 12*d.*; 1668, Disbursed to the fox catcher in the behalf of the parish, 9*s.* 9½*d.*; for two fox' heads, 4*s.*; 1670, for 30 fitch heads, 2*s.* 6*d.*"—*Fifth Report of Hist. Commission*, pp. 574, 575; see *ib.*, p. 597, the tariff for killing foxes down to 1819.

[4] Harrison.

"I can birdès kill,
Mine arrow toucheth of them nought but the bill,
I hurt no fleshe nor bruise no parte at all."[1]

The large landowners who made a profit by the sale of their game took both ground game and birds in the same way as the poachers. Even the fox, after escaping the hounds, was at the end of a long run taken by being netted.[2] The birds, both those which, like the crane and great bustard, are now extinct in their old haunts, the heaths and large wastes of England, but then made their appearance with the bittern at stately banquets, and those birds which still frequent the open downs and commons, or find shelter in our fields, if not taken by nets, afforded attractions for many a hawking party, and gave occasion for the skill of the falconer with his cross-bow.[3]

A similar right to that which the lord possessed over the game on his estates he had over the fish in the pools, meres, and running waters, unless the tenant had a right granted him by deed to take fish; and poachers by rod and line, as well as those who speared eels in the lord's fens and dragged the waters with nets, were subject to an action at law for trespass under the statute of the first of Westminster, or might be seized and punished, or, if they resisted, even slain by his keepers with the same impunity as those who snared the lord's hares, rabbits, or birds.[4]

No inconsiderable portion of our best soil was occupied in the fifteen century by rabbit warrens.[5] Some have thought that the rabbit was not introduced into this country until the

[1] Barclay's *Eclogues*, Ec. first; Barrington on *Antient Statutes*, p. 406; *Trevellyan Papers* (Camd. Soc.), vol. i., p. 181.

[2] Smith's *Lives of the Berkeleys*, p. 132; Hunter's *South Yorkshire*, vol. ii., p. 183.

[3] Hunstanton Household Accounts, *Archæologia*, vol. xxv.; Morris's *Hist. of British Birds*, vol. v. At the installation feast of Archbishop George Nevil, 204 cranes were cooked, and Ray tells us that in his time there were large flocks of these birds in Lincolnshire and Cambridgeshire.—*Archæologia*, vol. ii. At this date swans and cygnets were classed as game.—*Materials for Hist. of Henry VII.*, vol. i., pp. 448, 460.

[4] Fitzherbert's *Surveyinge*, chap. ix.

[5] *Life in a Southern County*, p. 54. Monasteries had conygarths or

thirteenth century; it was known, most probably, however, before the Conquest. These animals had thriven in the midst of war and pestilence, and throughout the whole of the sixteenth century, and far into the seventeenth, they furnished a welcome addition to the tables of those who could afford such a dish.[1] Their price in the markets prevented their use by the poor, and with deer and hares they are expressly called "gentleman's game."[2] Travellers passing through England have recorded their surprise at the number of these prolific animals, which must have made sad havoc upon the wheat crops within their reach. The frequency with which the right of free warrenry is mentioned in old concessions of land, shows how important both rabbits and hares had become soon after their introduction into England. Sometimes the conygarth was marked out—it can hardly be said, was separated—from the arable land by an earthen wall, or other rude enclosure; this, however, afforded little defence to the growing corn. Rabbits were encouraged because they supplied the manor table and the London markets with a favourite food, and the fur of the rabbit was reckoned more valuable than even its flesh. In the absence of much commerce with the northern countries of Europe, and the consequent scarcity of furs of greater value, the robe of the noble and of the judge, the hood of the scholar and of the monk, the mantle of the burgher's wife and of the lady of the manor, were trimmed or lined with the fur of the rabbit;[3] and when this fur had been cleaned and renovated so often as to be no longer saleable in Cornhill

warrens in the thirteenth century, see *Malmesbury Register* (Record Office); Walcott; Oliver's *Monast. Exon.*, p. 74.

[1] A French traveller, writing in the middle of the sixteenth century, gives as an instance of the wealth of England, that "here you may commonly see artisans, such as hatters and joiners, play at tennis for a crown, which is not often seen elsewhere, particularly on a working day, and continually feasting in a tavern upon *rabbits*, hares, and all kinds of meat."—*Description of England*, by Stephen Pertin, 1558.

[2] 13 Richard II., stat. i., cap. 13.

[3] It was enacted by 37 Edward III., cap. 9, that "people of handicraft and yeomen . . . their wives, daughters, and children shall wear . . . no manner of fur, nor of budge, but only lamb, coney, cat and fox."

or Long Lane as fur, it yet supplied materials for mattresses, and, where such luxuries were known, for pillows, and was passed off as swan's down.[1] An entry in the household book of a wealthy Norfolk squire in the time of Henry VII. shows the importance of this animal in domestic economy. We read that two thousand rabbits were supplied for the use of the table of Hamon l'Estrange in an ordinary year.[2] These warrens were so profitable to the landowner, and were let at so high a rent, that in the sixteenth century many parks were converted into rabbit warrens,[3] and were soon "swarming full of conies."[4] Norfolk and Suffolk were noted for their large warrens, which continued characteristic features of the East Anglian counties down to the present century.[5]

The rabbit warrens supplied the table with other flesh than that of the rabbit. Hares were bred there, and pheasants, which had probably been introduced into England early in the thirteenth century, if not, indeed, before that time, were preserved and sent to market by the owners of the warrens,[6] together with quails, partridges, woodcocks, and other birds; if a manor lay near a fen, waterfowl also were snared, and sent for sale to the towns. To poach on these warrens was an offence punishable by three months' imprisonment; but every tenant seems to have had the right of killing any of these birds or animals which left the warren and trespassed

[1] Pedlars were accused of killing cats for the value of their skins, and passing them off for rabbits' skins.—*Vision of Piers Plowman*, vol. i., line 2990 (edit. Wright), Text B (Early Text Society's edit.), p. 70, line 259; *Songs and Carols of the Fifteenth Century* (Warton Club Miscellany), p. 76.

[2] *Archæologia*, vol. xxv.

[3] Pertin's *Description of England;* Lambarde's *Perambulation of Kent*, p. 2.

[4] *Supplication to King Henry VIII.*, p. 48 (Early Text Society, Extra Series).

[5] Camden's *Brit.*; Cullum's *Hawsted*, p. 167; *System. Agricult.*, p. xiv.; Kent on *Agriculture of Norfolk*, p. 32; Arthur Young on *Agriculture of Suffolk*, p. 44; Suckling in his *Hist. of Suffolk*, preface, p. x, mentions a warren near Brandon, which when he wrote returned 40,000 rabbits yearly, and he reckons twenty rabbits to an acre as the usual produce.

[6] *Bishop Swinfield's Roll*, pref. l., pp. 36, 40.

on his corn.[1] A clause was sometimes inserted into leases giving the tenant the right of killing hares and also rabbits, "provided there be no excessive destruction,"[2] which implies that they had no right without such permission. The law, however, varied in this respect, and was controlled by local custom. In 1299, the abbot of Leiston in Suffolk "impleaded John de Leyston and others for trespassing upon the manor of Leiston, and driving away six hares, the earliest prosecution for poaching with which the writer is acquainted," says the authority from whom this is quoted.[3] In 1316, in the same county, John de Gourney impleaded William de Swathing for entering upon his land and chasing away and killing hares, rabbits, and partridges.[4] By the first statute of Westminster (1275),[5] all "trespassers in parks or ponds," suspected poachers of game or fish, were to be fined, and "if they had no means to pay, to be imprisoned for three years, and then to find surety that they would not so offend again, or in default of surety they shall adjure the realm." If they had actually robbed the park or pond, then they might be dealt with according to common law at the suit of the king. By a subsequent act,[6] "trespassers wandering within" a park or warren "intending to do damage therein," who should refuse to stand when called upon by the foresters or parkers, might be slain with impunity.

The laws affecting poaching remained in this state throughout the greater part of the fifteenth century. Poaching, however, was no longer merely the crime of the solitary peasant lurking in the woods and on the edge of the downs with his ferret, hare-pipes, and nets; an act of the first year of

[1] Jacobs' *Law Dictionary*,—*Termes de Ley*.

[2] See covenants in a lease of 1445, in *Eighth Report of Hist. Commission*, p. 262; also Blount's *Tenures* (Hazlitt), p. 303, 329.

[3] Suckling's *Hist. of Suffolk*, vol. ii., p. 433, but for early instances see Bigelow's *Placita Anglo-Normannica*, p. 269, and in *Chron. Petroburg.*, 1286, pp. 135, 138 (Camd. Soc.).

[4] *Records of House of Gourney*, by D. Gurney.

[5] 3 Edward I., cap. xx.

[6] 21 Edward I., A.D. 1293.

Henry VII.[1] speaks of "the great and heinous rebellions, insurrections, riots, robberies, murders, and other inconveniences" which had grown out of simple poaching, and makes the offence felony. It notes that "the counties of Kent, Surrey, and Sussex" were especially notorious for these arrays of poachers, though other parts of England were also disturbed by the "inordinate and unlawful hunting in forests, parks, and warrens," by gangs banded together for that purpose. Towards the end of the previous century (1389-90), a game law had been passed which declared that "diverse artificers, labourers, servants, and grooms kept greyhounds and other dogs, and on the holy days, when good Christian people be at church hearing divine service, they go hunting in parks, warrens, and connigries of lords and others, to the great destruction of the same; and sometimes under such colour they make their assemblies, conferences, and conspiracies to rise and disobey their allegiance," words which imply an uneasy feeling as to the designs and temper of the agriculturists lately combined under Tyler. The act then provides "that no manner of artificer, labourer, nor any other layman, which hath not lands or tenements to the value of forty shillings per annum, nor any priest nor other clerk, if he be not advanced to the value of ten pounds by the year, shall have or keep any greyhound, hound, nor other dog to hunt; nor use ferrets, heys, nets, hare-pipes, nor cords, nor other engines, to take or destroy deer, hares, conies, or other gentleman's game (*nautre desduit des gentiles*), upon pain of one year's imprisonment," to be enquired of by the justices of the peace.[2]

Forests.—The word "forest" has a common and also a legal

[1] A.D. 1485, chap. ii.

[2] 13 Richard II., stat. i., c. xiii.; *Rolls of Parliament*, vol. iii., p. 273. Reeves, in his *History of English Law*, chapter xvii. *ad fin.* (vol. ii., p. 484, edit. Finlason), says "this seems merely a regulation of police, to confine the lower class of people from misspending their time in a way that was neither useful to themselves nor the community." There may, however, have been the fear that at these assemblies combinations were formed for such purpose as led to the recent revolt of the copyholders.—Stubbs' *Const. Hist. of England*, vol. iii., p. 568.

or technical meaning. The forests of England have been spoken of in the sense in which this word is commonly made use of at present, as tracts of woodland more or less dense with timber trees; legally, however, a forest might be a place where there were few trees, or, as an old law book has defined the word, "a forest is a place privileged by royal authority, or by prescription, for the peaceable abiding and nourishment of the beasts or birds of the forest for desport of the king."[1] It was a royal franchise, and differs from a chase in this respect, that while a chase means a preserve for game belonging to a subject, a forest is a tract of ground held for a similar purpose by the king. Within the bounds of the "forest"—meaning not a woodland necessarily, but a space, whether wooded or not, for the preservation of royal game—might be tracts of arable and pasture ground, fens, pools and rivers, commons, or wastes belonging to private owners, and even towns and monasteries. If, however, the whole space was made use of and reserved as a hunting-ground "for desport of the king," this was spoken of and was technically known as "a forest," and one of the laws of the forests forbade the freeholder who held land within its limits from cutting down any of the trees on the land he might possess, unless the royal permission had first been given, lest he should disturb the beasts or birds of the forest by this act.[2]

Arable and Meadow Ground.—The land employed for the purpose of agriculture consisted mostly of small farms of arable land, with a disproportionate number of acres under tillage, and comparatively few acres reserved for meadow ground, the waste supplying pasturage for sheep and cattle. As agriculture improved, the proportion of ground under the plough decreased, and in the reign of Elizabeth meadow and pasture acquired their due consideration,[3] and the cattle were somewhat larger and more profitable to the farmer.

[1] "Foresta quasi ferarum statio."—Manwood on *Forest Laws*. "A forest was a district *foras*, out of ordinary jurisdiction, and foresters were out of hundred law."—Morgan's *England under the Normans*, p. 55.

[2] Jacobs' *Law Dictionary*, *s. v.* Forest.

[3] Sir F. M. Eden, *On the State of the Poor*, vol. i., p. 48.

Sir Frederick Eden and Sir John Cullum have both noted this disproportion, and have attributed much of the low state of agriculture to this cause.[1] At the time when the first Tudor king ascended the throne, however, farms consisted mainly of a moderate amount of arable land, a few acres of pasture, and a right to turn the beasts of the farm upon the waste of the manor. The cattle with which farms were stocked in the fifteenth century were small in size, ill-fed, and poor in flesh. Up to this time there appears to have been no attention paid to the breeding of cattle. Though the cattle of one part of the country may have differed in some respects from those reared in other parts, the difference was but slight, and, on the whole, the stock on the farms throughout England was inferior to that of a small Highland holding of the present day. Though oxen were the beasts chiefly relied upon for ploughing, they were too weak to do more than scrape the surface of the soil when it happened to be clay or a stiff loam. There was little winter food and no artificial grasses, so that in the early part of November in each year a large number of beasts of all kinds —pigs, oxen, cows, sheep, and deer—were slaughtered, and their carcases salted down for winter consumption. Those that were reserved for stock were fed in part on the loppings of trees, on moss, and ivy. It was one of the instructions given to the careful husbandman, that he should strip off the moss, leaves, and twigs from each day's supply of fuel, and reserve it for the sheep and cattle which were to be kept on the farm during the winter months of the year,[2] since little hay could be made when the pastures were in common. Under these circumstances, it is not surprising that the predecessors of the cows and sheep which now feed in our pastures and are housed in the stalls on our farmsteads were very

[1] *British Husbandry*, vol. i., p. 23; Cullum's *History of Hawsted.*

[2] Fitzherbert, in his *Husbandry*, says, "if thou have any trees to shrede, loppe, or croppe for the fyre woode, croppe them in wynter, that thy beastes maye eate the brouse and the mosse of the bowes and also the yves. . . . And fell noo more on a daye but as moche as the beastes wyll eate the same daye, or on the morowe after" (pp. 77, 78).

diminutive, and that they resembled the race of animals in India which browse for at least part of the year on ivy and on similar innutritious food.[1] The oxen, cows, and steers which were reared on a farm in the fifteenth century were not more than a third of the bulk of cattle in the present day, and probably many a sheep is now sent to London and other markets which would have outweighed the cattle of those days, and have yielded a greater quantity and a better quality of meat than such cattle would have produced. The size of the sheep of the fifteenth century may be gathered from the fact that fleeces produced on the average about a pound of wool, "often much less."[2] When winter came, the store of salted beef was chiefly reserved for sale in towns, and for the consumption of the manor house and the farmers. Any sheep or cattle which had died from murrain or other natural cause were set aside for the labourers on the farm. Where this food failed, they turned to salt herrings, and, when these were exhausted, to stock-fish, varied with pease porridge, until the end of Lent, when pease porridge went out, and meat again made its appearance, and was sufficiently low in price to be sometimes within the means of the labouring poor of a country village.[3]

Roads.—When the Romans quitted Britain they left behind one priceless bequest—the roads which had linked together their military stations and trading towns, many of which have retained their importance to our days. These roads were amply sufficient for the little commercial traffic which existed during the Middle Ages, and they received few additions down to comparatively recent times. By the statute of Wynton, A.D. 1285, every bush, dyke, or hedge on either side of a road "leading from one market town to another," was directed to

[1] Hunter's *English in India*, p. 89. Shakespeare refers to this fodder for cattle, and speaks of sheep "browsing of ivy" (*Winter's Tale*).

[2] Rogers' *Hist. of Prices and Agriculture*, vol. i., p. 52. At Launton in Oxfordshire (1267) 295 fleeces produced 28½ stones of wool.—Blomfield's *Hist. Launton*, MS. For returns of wool from the richer pasture of Ely in 1324, &c., see Betham's *Hist. of Ely*.

[3] On weight of cattle and sheep, see Note A at the end of this chapter.

be cleared away, so as to leave four hundred feet free from obstruction, "two hundred feet of the one side and two hundred feet on the other side of the way,"[1] and this law, which was made to prevent robbers from lurking unseen by the roadside, not only added to the security of travellers, but also assisted, so long as it was attended to, in preserving the roads themselves from decay. The landowners who neglected to comply with this order were made responsible for any robbery or violence which happened through their default in this respect, and were to pay a fine for any murder committed on their lands. This law seems to have been for a time impartially enforced, though apparently it soon became obsolete. The roads now grew more impassable than before; underwood and scrub encroached upon the highways, and robbers securely sheltered themselves by the wayside, and, from long impunity, grew bold in their brigandage. How this law was applied at the first is shown by an incident which happened twenty years after the passing of the statute. In 1305, one Walter Swyft was murdered as he was passing through a wood belonging to the Bishop of Hereford. The murderers could not be found, but as the murdered man was killed in a wood which it was alleged had not been widened to the extent required by the statute of Wynton, the bishop was charged with the responsibility of the murder, and an information was laid against him. However, on a survey of the road, it was found to be sufficiently wide, and the prosecution was dropped.[2] By the statute of Wynton, already cited, the legal width of the highway was extended beyond that formerly required. In an earlier law it is laid down as sufficient that a highway shall be broad enough for two wains to pass each other, with room for the drivers to ply their whips freely, or for sixteen soldiers to ride in harness side by side.[3]

When new ports were constructed by Edward I., he was careful to make roads leading to them. Hull and Sandwich

[1] 13 Edward I., Stat. Wynton, chap. v.

[2] *Household Roll of Bishop Swinfield* (Camd. Soc.), p. lxxxix.

[3] *Leges Henrici Primi*, lxxx., 3.

were both indebted to the king's foresight in this way.[1] During much of the time which intervened between the departure of the Roman troops and the battle of Hastings, the old highways—as the main Roman roads were called, from the mode of their construction[2]—received, and indeed needed, but few repairs, and the charge of them pressed but lightly upon the nation at large. The keeping of these highways was sometimes, in part, provided for by the gifts of manors charged with this service;[3] cross-roads, leading to less important towns and villages, were entrusted to the county authorities;[4] and smaller paths, required for the removal of the produce of the harvest field and other ordinary traffic of the manor, were maintained, if maintained at all, at the expense of the rural tenantry.[5] Whilst the manorial system remained in full force, all matters relating to the care of these latter, or bye-roads, were settled in the court of the customary or villain tenants, and way-wardens were elected at these courts, who superintended the expenditure necessary to construct or to maintain parish roads in efficiency.[6] Bridges, fords, and ferries came under the control of the manor courts, or, in a chartered town,

[1] Frost's *Early Hist. of Hull; Eighth Report of Hist. Commission*, p. 345.

[2] Horsley derives the name "highway" from the manner in which the Romans constructed their main roads. They were thrown up above the soil on either side.—Toulmin Smith, *The Parish*, p. 105 (2nd edit.).

[3] Blount's *Tenures of Land*, edit. Hazlitt, p. 123.

[4] A road common to all the king's subjects was legally a highway even though it was only a footpath, and if ploughed up the offender was subject to a fine.—Jacobs' *Law Dictionary*, *s. v.* Highway; Madox, *Hist. of the Exchequer*, vol. i., p. 557, note k.

[5] Kemble's *Saxons in England*, vol. ii., p. 94.

[6] 9 Richard II. "The village community is ordered to repair two pieces of the highway leading to the church before the feast of the Assumption of the Blessed Mary next ensuing under a penalty of half a mark.

"A day is given to all the tenants that they repair the way leading through the village, each under a penalty of xii^{d}.

"They present that the lord of this manor has a piece of the highway not sufficiently repaired opposite the tenement called Clerkes, and the former is ordered to repair it before the next court under a penalty of xl^{d}."
—*Launton Court Rolls;* Blomfield's *Hist. of Launton*, MS.

under that of the municipal authorities. Tenants on the demesne, as well as those who held in villanage, were alike amenable to the courts of the manor, and were compelled to keep the roads of the manor in repair, to remove obstructions, and to see that water was drained from the surface of the road. Fine in the customary court was the penalty for neglect in these respects.[1] The care of roads declined, however, with the declension of the manor courts.

When the construction of roads and bridges near a town was determined upon, a rate was sometimes levied in money or in labour; for their maintenance either a rate was levied or a toll taken. More frequently, however, when need was felt for a new road or bridge on a highway, an offer of an indulgence for a period varying with the amount required was made to all offenders against the ecclesiastical law who should contribute of their substance for this purpose.[2] It was among the objects for which a guild was established in a town, that it should "maintain and keep in good reparacion the bridges which had become ruinous," and the "foul and dangerous highways, the charge whereof the town was not able to maintain."[3] A gift of land by the living, or a bequest of money, cattle, or other goods by the dying, was often made for the same good work,[4] and was directed to be applied for the making or mending a specific road "with gravel and stones,"[5] or other materials, or to be laid out "where it shall be thought most necessary by the discretion

[1] *Madresfield Court Rolls, passim.*

[2] *Registers of Gray, Archbishop of York*, 1215-1255 (Surtees Soc.); *Register of Kellawe, Bishop of Durham*, 1314-1316 (Rolls), vol. i., pp. 442, 507, 615; vol. ii., p. 780, &c.; Wallis' *Hist. of Northumberland*, vol. ii., p. 69; Burns and Nicholson's *Hist. of Cumberland*, vol. ii., p. 415.

[3] Gild of the Holy Cross, Birmingham; *English Gilds* (Early Text Soc.), pp. 249, 256; Gild of the Holy Cross, Stratford-on-Avon; *Ninth Report of Hist. Commission*, pp. 290, 292.

[4] This continued to be done long after the beginning of the sixteenth century. In a will dated in 1558 we read, "I bequeath a bullock that I bought of the Royde unto the mending of the highway betwixt my house and the Mollde."—*Sixth Report of Comm. Hist. MSS.*

[5] *Bury Wills* (Camd. Soc.), p. 112.

of the executors." For a time it was one of the articles of inquiry at a bishop's visitation whether such bequests were applied as the donors intended.[1] As religious fervour declined, the offer of indulgences for days, for months, for years even, failed to stimulate the charity of the living and to extract the offerings which had formerly been made. Bequests now became less frequent, and roads grew more "noisome" and "wicked," and complaints were loud and more general as to the state of the bridges and high roads, not only those in rural districts, but even those in the midst of towns. The streets of towns, indeed, oftentimes depended as much as high roads in the country did on the voluntary bequests of charitable townsmen.[2]

There was another reason for the neglect to make a road in some places, or to keep an old road in repair. Sussex, down to the present century, and Devonshire almost as late as Sussex, relied on the absence of passable roads as a facility for smuggling, or as a protection against the piratical crews of Turkish corsairs which swarmed in the Channel in times of peace, or against privateers in time of war. These marauders were sometimes but too ready to venture inland and to plunder farmhouses wherever the roads were good.[3]

[1] "Whether you know any executors or administrators of dead men's goods which do not bestow such of the said goods were given for . . . repairing of highways."—Cranmer's *Articles of Visitation*, 2 Edward VI.; Sparrow, *Articles*, p. 33 (fourth edit.). "Whether any legacies given to the poor, amending highways, or marrying poor maids, be undistributed and by whom."—Ridley's *Articles of Visitation;* Sparrow, p. 38; Card. Pole's *Decrees*, § 12; see also Queen Elizabeth's *Injunctions*, 1559; *ib.*, p. 75.

[2] "I will that my executors shall gather and carry . . . six score loads of small stones . . . such as I have gathered already, and those I will shall be laid in the highway betwixt the Southgate and St. Mary's Church where most needs shall be, and this to be done xx loads yearly till it be done."—*Bury Wills* (Camd. Soc.), notes at p. 252.

[3] Risdon's *Survey of Devonshire*. Polwhele reports that, in his time, "the roads of Devonshire with few exceptions are very bad, and the parish roads hardly better than horse tracks." As late as 1728 Judith, widow of Sir Richard Shirley of Preston, Sussex, directed in her will that her body should be brought for burial to Preston, "if she should die at such time of

So long as every farthing that could be raised by public taxation was required for the expenses of the war with France, and labour grew dearer as labourers diminished in number, not much attention could be given nor money spared towards making new roads or for mending the ill condition of the old highways throughout England, so that these and other roads fell deeper into decay, and the difficulty of transit increased for man and beast. It was as necessary at the end of the fifteenth century as it had been three hundred years before, that a traveller should hire a guide who knew which roads were passable or were less "broken," or where the safest fords lay or the cheapest ferries might be found. Such a guide was skilful in picking his way across the fields, and saving travellers from encountering the perils of the miry roads, and enabling them to escape the violence of those robbers who skulked along the margin of the highway.[1]

An occasional bequest of money or cattle, or an unwonted act of liberality in a gift of land, led, in some places, to the construction of a causeway by which foot passengers might walk dryshod by the side of an impassable road. A sum of money given by will or otherwise was sometimes devoted to setting a bridge free from toll and rendering it of service to the poor in its neighbourhood.[2] Whilst, however, the towns throughout England were, with one consent, pleading their poverty and asking for a remission of the king's taxes, and agriculture was in a state of deep depression, but little was

the year as that the roads thereto were passable."—*Sussex Archæological Collections*.

[1] 38 Henry VI. "Paid one to lead us on the way between Sedyngburne and Leene, i^{d}. Paid one of Leene with his horse to lead us to Forde Mylle, for the way between Leene aforesaid and Forde Mylle was a nuisance (*nociva*) to us who had never gone by it, ij^{d}."—*Fifth Report Hist. Commiss.*, p. 493.

[2] *Chamberlain's Letters*, p. 41 (Camd. Soc.). "I will . . to the purchase of the rent and toll of Werington bridge ccc marks, to the intent that the pass shall be free for all people for ever, and also for the making of the said bridge D marks, that no further toll or farm be there asked." A.D. 1504. Will of Thomas, Earl of Derby.—*Testamenta Vetusta*, p. 459.

done, in fact little could be done, for road making, or for the repairs of existing highways and bridges, or even for the making good of parish roads. What was done was paid for at the expense of private persons, and mostly with money left by will[1] for that purpose. Though special and local acts were laid before parliament in the fifteenth century,[2] the first general act of parliament for the repairs of bridges and highways was not passed until the early part of the sixteenth century.[3] The evil, however, was too inveterate and general to be cured at once. An act of parliament which was passed about twenty years later was declaratory of the old obligations as to the repair and maintenance of roads rather than introductory of any new principle. It gives us a picture of English roads in general, and tells us that they were "both very noisome and tedious to travel on and dangerous to all passengers and carriages."[4]

A fagot or two or a few handsful of broom thrown over the deepest of the ruts concealed for a time the rotten condition of the highways,[5] and though such mending of the roads was of doubtful advantage to the traveller, it satisfied the consciences of the municipal and rural authorities and the requirements of the law. If the carriage or horse litter of some powerful nobleman or great lady chanced to be engulphed in the clay of a country road so as to defy the united powers of servants and horses to extricate it, the owners of land on the line of way were "fayne to take oxen and draw out the chair" or litter and help it on its way.

[1] "I devise ... to the making and amending of 'fabul brugges' and foul ways C. *l.*" A.D. 1434. Will of "Joane Beauchamp, Lady of Bergavenny." —*Testamenta Vetusta*, p. 226.

[2] The act for the improvement of the navigation of the Don between Doncaster and the Aire, and to make a turnbridge suitable for the passage of vessels, was passed in 1442.—Hunter's *Hist. of South Yorkshire* p. xxvii.

[3] 22 Henry VIII., chap. v., A.D. 1530-1.

[4] 2 and 3 Philip and Mary, chap. viii.

[5] Arthur Young in *Six Weeks' Tour, &c.;* Pike on *Crime*, vol. i., pp. 240-243. On road making, "specially about London," see Fitzherbert's *Husbandry*, p. 75 (edit. 1767); *Ninth Report Comm. Hist. MSS.*, part i., pp. 146, 159.

We have no reason to believe that the roads of Kent were exceptionally foul and miry; the roads across the weald were, however, described in an act of parliament early in the sixteenth century as "right deep and noyous,"[1] and could be made use of only at "great pains, peril, and jeopardy."[2] Indeed, though lying on the highway between the Continent and the royal palace at Westminster, the Kentish roads seem to have been almost as bad as any of the ways or paths along the margin of the fens of Lincolnshire or the morasses of Lancashire. We have few diaries or personal chronicles of this period, and in the matter-of-fact accounts of cash expended by town clerks, stewards, and messengers, we can hardly expect to find notices such as Thoresby or Evelyn would, at a later date, naturally have entered in their diaries. We have, however, sufficient incidental notices to satisfy us that the roads were at least as "foul" and "noisome," "cledgie" and "broken," at the end of the Middle Ages as they had been at any time within that period.[3] As the neglect was of longer standing they had probably become worse. The road which ran from Canterbury past Harbledown towards Sittingbourne was so bad that its state was accounted for by saying that it was in no parish or hundred, and that, therefore, no one was bound to repair it. Nor were the streets within the walls of Canterbury in a much better state than the roads around that city. In 1474, stung by the reflection that pilgrims from the Continent to the shrine of Becket must needs carry home with them evil reports as to the highways and streets of Canterbury, the citizens petitioned parliament for an act to enable them to raise money to pitch and pave their streets with "boulders and Folkestone stone."[4] The powers they obtained did little, however, to amend the "broken ways" which the pilgrims had to traverse; the mire swallowed up the stones, and at the beginning of the sixteenth century, in 1505, the local authorities had to bestir themselves to cleanse

[1] 14 and 15 Henry VIII., chap. vi., § 1. [2] Ib., § 2.
[3] Lambarde's *Perambulation of Kent*; Somner's *Canterbury*.
[4] 4 Edward IV., *Ninth Report Comm. Hist. MSS.*, part i., p. 168.

the streets of Canterbury, which they say "are foul and full of mire." For this end they had to give directions to remove, by means of the common carrier, "all offal, dirt, and other corruptions," from the streets of the city of the Primate of all England.[1]

In the latter half of the fourteenth century the heavy state of the roads in the archdiocese of Canterbury was fatal to Archbishop Islip. His biographer tells us that in 1362, as the archbishop was riding between Sevenoaks and Tonbridge, his horse stuck fast in a miry part of the road,[2] and that as the animal plunged to free itself, the rider was thrown, and his clothes were soaked through in the muddy water. He could get no change of dress until he reached his palace at Mayfield, and when he arrived there the archbishop, wearied with his journey and his misadventure, imprudently fell asleep before changing his dress. He slept in a cold stone room—*in quâdam lapideâ camerâ*—probably a room with a stone floor, and as the time was towards the end of January, no wonder that the archbishop awoke paralyzed, and, after a lingering illness, died in 1366.[3] In the next century the dangerous state of Rochester bridge was brought under the notice of the authorities in church and state. Travellers had been blown over the line where the parapets once stood, but which had long since tumbled into the stream below; holes, which went through the pathway, made it dangerous for a horse to attempt to walk over the bridge, and timid or prudent passengers crossed the Medway by the ferry, though not without danger, rather than risk a greater danger in trying to cross by the bridge.[4] Indulgences were resorted to, though little money came from this source. Morton, archbishop and cardinal, was urgent to

[1] Gosling's *Walks through Canterbury;* Lambarde's *Perambulation of Kent; Ninth Report Comm. Hist. MSS.*, part i., pp. 145, 174.

[2] "In loco lutoso et aquoso."—Birchington, in *Vitæ Archiep. Cant.* (*Anglia Sacra*, tom. i., p. 46).

[3] Birchington, in *Vitæ Archiep. Cantuar.;* Godwin, *De Presulibus Ang.;* Parker, *Antiq. Brit. Ecc.*

[4] *Ninth Report Comm. Hist. MSS.*, part i., p. 147.

have the bridge repaired, and promised extended indulgences, and set an example to his flock by contributing money himself for the good work, but all without avail. The bridge was patched, not repaired; the handrail was mended and the roadway was made a little more secure, or at least a little more sightly; the bridge remained, however, in a dangerous state until the reign of Queen Elizabeth, when it received substantial repairs.[1]

There exist like reports of the dilapidated condition of other bridges. That which crossed the Exe on the opposite side of the kingdom had become so dangerous that the citizens of Exeter proposed to remove the tottering structure and to purchase a ferry boat for the use of travellers. The bridge, like that at Maidstone, had originally been of stone, but had been so often patched that it was doubtful whether it should be described as of wood or stone.[2] At this period the old stone bridges had been allowed to fall out of repair, and the new bridges were too slight to endure much wear and tear.[3]

Church councils were summoned and adjourned because bishops feared to encounter the danger of travelling along such roads. The charter, 47 Edward III., 1373, by which the city of Bristol was constituted a county, states that this was done in order to save the burgesses from travelling to Gloucester and Ilchester, "distant thirty miles of road, deep,

[1] "1489, March 20. Commission to provide vessels and wagons for the conveyance of materials, and to impress stone-hewers and bricklayers and others for the repair of Rochester bridge and other works."—*Materials for Hist. of Reign of Henry VII.*, vol. ii., p. 433. Many of the places that most needed bridges were exempt from maintaining them. "No city nor free town shall be distrained for making good (*facere*, *i.e.*, *reparare*) any bridge which is not by custom and law so kept up from the time of Henry I."—*Magna Carta*, cap. xv.; Callis' *Reading of Sewers*, p. 86 (2nd edit.).

[2] Shillingford's *Letters* (Camd. Soc., New Series), p. 141.

[3] 9th Henry V., "It is enacted that the two new bridges next Abingdon . . . shall continue as free passage for the king's subjects and their carriages, and that every man set sallowes or willowes upon the banks between Abingdon and Burford for mending of the same."—Cotton's *Abridgment of the Records*, p. 561.

especially in winter-time, and dangerons to passengers."[1] On many different occasions the members of the House of Commons met, but could transact no business because their colleagues, the peers of the Upper House of Parliament, had been detained—*propter horrorem et viarum discrimina*—by the state of the roads and the difficulty of travelling, and therefore parliament was adjourned.[2] Oratories were licenced in private houses, and chapels of ease built because roads were so bad, especially in winter, that the parishioners could not reach their parish church dryshod.[3] This reason is so commonly alleged for granting a licence for an oratory or for the building of a new church that there must have been truth in this allegation. Even at the gates of London the roads were perilous to travellers on foot or on horseback. The great north road which ran past Portpool or Gray's Inn Lane was ordered by Edward I. to be made good. Others of the London roads, however, were sadly in need of repair. The king's serjeants-at-law, who dwelt by Fleet Street, but who pleaded at Westminster Hall, gave up the attempt to ride along the Strand because the Bishop of Norwich and others would not repair the road which ran at the back of their town-houses.[4] It was safer and more pleasant for lawyers to take a boat from the Temple stairs and reach Westminster by water. In 1344 an order was issued by Edward III. for the repair of the highways leading to Charing, to St. Giles in the Fields, and to Gray's Inn, and he directed a toll to be levied on all goods passing over these roads. This order contained the singular provision, however, that goods belonging to lords, ladies, and ecclesiastics, those, in short, who were most able to pay the toll, should be exempt.[5] In 1353 this highway had become

[1] Seyer's *Charters of Bristol*, p. 40.

[2] Murimuth, *s.a.* 1331 ; Parry's *Parliaments and Councils*, A.D. 1380, p. 143 ; Cotton's *Abridgment*, pp. 182, 188.

[3] Archives of St. Paul's in *Ninth Report Comm. on Hist. MSS.*, p. 40 ; Newcourt's *Repertorium Londinense*, vol. i., p. 742.

[4] Callis' *Reading of Sewers*, p. 182 (2nd edit.).

[5] There are still traces of these exemptions remaining in our country parishes, though their origin seems to be forgotten even by antiquaries.—

worse, and the charge was now varied and laid on all owners of houses along the line of road, and a toll was directed to be levied on all goods carried over the road.[1] The tolls on goods entering the city of London and other municipal towns were collected at the gates of these towns and cities.[2] In 1500 the state of the highways was, however, worse and the roads were more perilous and noisome than in the fourteenth century. On the north side of London, by the Moor Gate, they were very ruinous, and continued in this state for at least a hundred and fifty years beyond the end of the fifteenth century. When Bunyan wrote his "Pilgrim's Progress," he is supposed to have drawn his picture of the Slough of Despond from the highways by which carriers from the north and north-eastern counties endeavoured to enter London.[3] These roads were worse in his days than they had been long before the time when, in 1414, Falconer, the lord mayor, broke through the city wall and made the Moor Gate for the hay and wood carts coming to the markets of London.[4]

Water Carriage.—Old roads might have been better cared

Morant's *Hist. of Essex*, vol. ii., p. 63 ; *Compota Domestica* (Abbotsford Club), p. iii.

[1] Rymer's *Fœdera*, tom. v., p. 20.

[2] When a toll was levied on goods some station of the nature of a turnpike must have existed. An entry in the corporation records of New Romney refers to such a place. "1412-13. For four boltis, two binders, hooks, and one lock with a key, for the turnepyke, 3*s.* 2*d.*"—*Fifth Report of Commiss. on Hist. MSS.*, p. 538. "Le turnpyke" outside of Calais, where tolls were taken, is mentioned in 1490.—*Materials for Hist. of Reign of Henry VII.*, vol. ii., p. 508.

[3] *Records of Cripplegate*, p. 102. In 1356 the Common Council of London say that "All the folk who bring victuals and wares by carts or horses to the city do make grievous complaint that they incur great damage and are oftentimes in peril of losing what they bring, and sometimes do lose it, because that the roads without the gates of the city are so torn up and the pavements so broken, as may be seen by all persons on view thereof," therefore they enact that every cart bringing goods for sale, "but not the carts and horses of great people, and other folk that bring their own victuals or other goods," shall pay a toll for the maintenance of the road. —Riley's *Memorials of London*, p. 291.

[4] *Records of Cripplegate*, p. 11.

for and new roads oftener opened if water carriage had not been so abundant. Relative to the amount of commerce and to the number of the people, the traffic on the rivers of England was far more active and important throughout the Middle Ages than at present. Most of the wool for export to Flanders came by boats and barges to Newcastle, Hull, Boston, and other ports on the east coast, whilst the merchants of the inland towns received their goods from the Continent by the same means. The bulk of the population lived at no great distance from the sea, or not far from the banks of a navigable river. Towns which are now remote from the coast are, in the pages of the chroniclers, often spoken of as ports, and such towns as York and Doncaster claimed and exercised the right of sharing in "wrecks at sea," as though they stood on the sea-board instead of high up the course of the Ouse or Don.[1]

This use of the rivers of England prevented their being bridged over to any great extent, lest bridges should interfere with the passage of barges and hoys. This gave to fords and ferries great importance during the Middle Ages, and caused a zealous watch to be kept in order to prevent encroachments and obstacles to navigation by weirs and jetties. From the reign of Edward I. petitions to parliament and complaints to the councils at Westminster and York against all such nuisances were frequent, and commissions were issued from time to time to examine into the truth of these complaints, and, when necessary, directions were given ruthlessly to destroy all such impediments to the free use of the rivers as highways for commerce.[2]

Many of the streams throughout England which now in their placid course add beauty to the landscape and fertility to the meadows through which they flow, but are too small to

[1] Hunter's *Hist. of South Yorkshire;* Davies' *Walks through York.* Doncaster had right of 'wreck at sea," *i.e.* on its own coasts, yet it stood far up the Don, and the Don fell into the Ouse, the Ouse into the Humber, and that into the sea. Bawtry, which stood on the Idle, which fell into the Trent, and the Trent into the Humber, is yet called in the *Hundred Rolls* "the port of Bawtry."—Hunter, vol. i., p. 72.

[2] Callis' *Reading of Sewers, passim.*

be of consequence to the commerce of the country, were deeper, broader, and more rapid than at present. The felling of timber, the grubbing up of the forests, the drainage of the fens, and the carrying off much of the surface waters from the land, have diminished the amount of rainfall, and the quantity of water in these rivers is not so great, and inundations are less frequent and are neither on so large a scale nor so destructive as formerly. In the various chronicles of the Middle Ages we constantly read of floods which swept away flocks, herds, people, and houses, and carried away the lands themselves into the sea.[1] The rapid rise of waters in the rivers played no inconsiderable part in the past, and the political history of England might have differed widely from what it is if inundations had not been so frequent and extensive as they were. According to some accounts the battle of Evesham might have ended differently if De Montfort had been able to cross the Severn at his will. The crown of England would probably have graced the brow of Henry Stafford instead of resting eventually on the head of Henry of Richmond, but for the sudden increase of the waters of the same river,[2] which prevented the junction of the Welsh troops with the rest of the forces of Buckingham. It was the unexpected rising of the river Don, and the impassable state of the usual ford, twice during the short campaign in the rebellion known as "The Pilgrimage of Grace," which hindered the momentary success of the northern insurgents, and compelled the champions of the monasteries and the opponents of "all villain blood and evil counsellors" in the king's council, to surrender themselves to the generals of Henry VIII.[3]

Highwaymen and Footpads.—Broken bridges and ruinous high roads were not the only hindrances to safe travelling. The woods which skirted the highways had long been infested by robbers who plundered all who were not in sufficient force

[1] See Ellis' *Introduction to Chronicle of John Oxenedes*, p. xxxii.

[2] Called for a long while after the death of Buckingham "the great water."—Grafton's *Chronicle;* Holinshed's *Chron.*

[3] Herbert's *History of Reign of Henry VIII.*, p. 414 (ed. 1649).

to resist. Those only were safe who were able to join a company strong enough to deter thieves from attempting to molest them. Neither the sacred character of the travellers suspected of carrying money or other valuables, nor the fact that they were messengers or servants of the court was any safeguard.[1] What was complained of before the thirteenth century was the subject of complaint at the end of the fifteenth. This was at least one reason why the large land-owners collected their retainers and rode with them, and why men travelling to town waited until a sufficient number of fellow-travellers could be heard of, and a company collected which might defy the robbers who lurked along the road. The danger of meeting with desperate thieves was greater along the roads between London and Dover, not only because the chance of booty was greater, but because sanctuary men who were making their way to the coast often shrank from a sea voyage and exile, and preferred to remain in England, and, in spite of their promise to cross the Channel, betook themselves to the forest and joined the bands of thieves who had made the greenwood of the weald of Kent their home. There was at the close of the fifteenth century, as in the centuries before, and for at least a couple of centuries later, a sort of romance thrown around the career of the highwayman and outlaw, which made their calling almost a creditable or at least an attractive one, and men sang of Robin Hood and of his exploits until it became the fashion to imitate him. Youths of "good family," when there was no continental war to employ them, joined these bands, "for young men must live,"[2] and were not ashamed to live in this way, and to share in the plunder taken from peaceable

[1] In 1513, "John Hastil (Stile), the English ambassador, told Peter Martyr that a band of robbers had attacked the king's wagons, carrying money for the wars (who afterwards took sanctuary), that the king caught eighty of these before they could escape, and hanged them all."—Brewer, in *Calendar of State Papers.*

[2] Shakspere, *Henry IV.*, Part I., act ii., scene 2. Apart from the humour of this scene, this is a noteworthy passage, since it is true to the times alike of Falstaff and of the dramatist.

travellers, as apprentices in the last century read of the deeds of Jack Shepherd and of Dick Turpin, and took to housebreaking and highway robbery to live like them. For some time after the close of the hundred years' war with France, discharged soldiers, unable to settle down to peaceable labour, or to find any other way of livelihood than by robbing on the high road, resumed what was but a variation of their former life, and plundered and murdered travellers, and warred with mankind on their own account, as they had plundered before under the king's banner.

The number of these robbers, and the impunity with which they robbed, led to the farmhouses being moated, and compelled the farmer to keep the number of fierce dogs which foreign travellers remarked.[1] Probably for the same reason he had his labourers to sleep under his roof, as soldiers garrison a town while bands of hostile men swarm around. Whilst the farmer was only permitted to use the longbow for killing rabbits and hares, he was yet specially allowed, by act of parliament, to keep a crossbow for the protection of his house from robbers.[2]

Whilst the unsafe character of the roads led prudent travellers throughout the Middle Ages to put off a journey until they could join a company of fellow-travellers large enough to ensure immunity from robbers, the ill condition of the roads, and their want of repair, made it necessary that those who wished to travel in comfort should be provided with a number of spare horses to drag them through the deep mire to which in a short time even a moderate fall of rain reduced the highways.

Travelling and Carriage of Goods.—In the absence of roads fit for carts or carriages, heavy as well as light goods, corn, charcoal, salt, iron, household furniture, and such like commodities, were usually conveyed on the backs of horses or of sumpter mules, and in place of reading about wagon-loads of heavy goods, we more commonly read of horse-loads. The state of the roads necessarily placed a

[1] Cassans' *Hist. of Hertfordshire*, p. 190.

[2] Stat. 19 Henry VII., chap. iv.; 3 Henry VIII., chap. xiii.

limit to traffic of all kinds. As to travellers on horseback, twenty miles a day was reckoned, in official accounts, a day's journey.[1] The gentry travelled at this rate, and members of parliament, who were paid from the moment of their setting out from the place they represented or lived in—and this was usually the same place—until their return home drew their allowance for the time spent on their journey at this rate. As most travelling companies included servants on foot, who led the mules and horses laden with furniture, kitchen utensils and provisions, as well as spare horses for their masters, their walk practically regulated the pace of the whole company.[2] When the roads were good, passengers unencumbered with baggage could make a greater speed. Members of parliament, however, could claim to be paid after the rate of twenty miles a day, unless, before setting out, the traveller had agreed to abate a part of his legal demand on his constituents. York compounded with its representatives, and since the distance between Westminster and the capital of the north was upwards of a hundred and ninety miles, the citizens of York stipulated that their members should be content with twelve days' allowance for travelling expenses instead of requiring payment for twenty days, the full legal demand for journey money.[3] The good citizens of York might have been especially moved to this economical arrangement because their members were paid after the same rate as county members, four shillings daily from the time of their setting out from the gates of York until their return. The journey money of those whose duty required them to join the king's standard in time of war was estimated at the usual rate of twenty miles per day.[4] There were, however, quicker journeys than this made by unencumbered travellers. From Exeter at this date the town clerk, riding to London on

[1] *Rolls of Par.*, vol. vi., p. 525 ; Stat. 19 Hen. VII., cap. i., § 2.

[2] Compare Bishop Swinfield's journey, 1289-1290, in his *Household Roll*, p. cxxii (Camd. Soc.), with that of the Duke of Buckingham, 1507, *Archæologia*, vol. xxv.

[3] Davies' *York Records*, pp. 67, 145 ; Stat. 12 Rich. II., cap. xii.

[4] In Shakspere we have probably a reference to the rate of daily travel when Portia says—

legal matters connected with the corporation, was paid after the rate of thirty miles a day.[1] Seven days was estimated as sufficient for the journey from London to Cornwall, though it was rarely accomplished in this time. The news of the defeat of Warwick at Barnet, on the 14th of April, was not known at Plymouth on the 23rd of that month;[2] but then the Devonshire roads were notorious for their badness, and travelling on them was necessarily slow.[3]

Payment to Members of the House of Commons.—In the first parliamentary writ which has been preserved and which is dated in the forty-ninth year of Henry III., payment was directed to be made to the members returned to parliament, and the scale of payment was regulated by an act passed in the next century, which provided that four shillings must be paid to each knight of a shire and two shillings to the burgesses from the towns. If the county member happened, however, to be a yeoman, or was in any way of inferior station to a "knight," he was paid after the same rate as town members, and received two shillings daily instead of four.[4] This amount was sometimes varied. Thus the member for Rye in 1413 took a shilling a day for his wages,[5] and in 1387 the member for New Romney abated four pence, and was content with, or at least accepted, twenty pence,[6] though, perhaps in payment of arrears, in 1412 he received half-a-

"Haste away,
For we must measure *twenty miles* to-day."
Merchant of Venice, act iii., sc. 5, *in fin.*

[1] Shillingford's *Letters* (Camd. Soc., New Series).

[2] Oliver's *History of Exeter*, p. 82, note.

[3] Colchester was exempted in the sixth, twelfth, and seventeenth years of Richard II. from sending representatives to parliament "on account of the great expense they are at in repairing the walls with lime and stone." The town was exempted again in 1403 for six years, and again in 1421, from sending burgesses to parliament.—Morant's *Hist. of Essex.*

[4] The sum fixed for daily attendance and travelling to and fro to the Scottish parliament was fixed by Act of 1661, chap. 35, at five pound Scottish daily.—Innes' *Lectures on Scottish Legal Antiquities*, p. 151.

[5] *Fifth Report of Commission on Historical MSS.*, p. 490.

[6] *Ib.*, p. 533.

crown ;[1] and in 1466, the member for Sandwich accepted a gratuity of sixteen shillings over and above his stipulated due.[2] In 1444-5, John Malling, who represented Canterbury, had his payment "reduced from two shillings to twelve pence a day," for what reason is not stated.[3] As the sittings of parliament lasted only a few days, the chief part of these payments was made to cover the travelling expenses of the members to and from the place of meeting,[4] and the writs issued at the close of each session mentioned the number of days for which each member was to receive payment.[5] If a member was absent for a few days his wages were reduced, and his constituents sometimes acknowledged the consideration of their representative in staying away from parliament by making a present to him for this welcome alleviation of their burdens.[6] There were two advantages in the payment of members of the House of Commons. But for this payment and the steps taken to compel the attendance of its members the House of Commons would probably have soon ceased to exist. The second advantage, in the words of a writer of the seventeenth century, was that "parliaments were more expeditious in counsels, aids, motions, and their acts, debates, sessions not one quarter so long as of late times."[7] The electors who had to pay for the time of their members kept rigid control over the length of the sessions.

[1] *Fifth Report Comm. on Hist. MSS.*, p. 538.

[2] Boys' *Hist. of Sandwich.*

[3] *Ninth Report Comm. on Hist. MSS.*, p. 139.

[4] The writ directed that the members should be paid "rationabiles expensas suas in veniendo ad nos, ibidem morando, et exinde ad propria redeundo."

[5] See, on all questions as to the payment of members of parliament, Prynne's *Fourth Part of a Brief Register . . . of Parliamentary Writs*, *passim*, and his *Brevia Parliamentaria rediviva.* See also Smith's *English Gilds* (Early Text Soc.), p. 134.

[6] "1532. Given to Mr. Briggs, one of the burgesses of the parliaments, towards a *bonet*, for savyng of the wage that he should have of the city, by reason of his being at home from the parliament after Easter term."—*Ninth Report Comm. on Hist. MSS.*, p. 152.

[7] Prynne's *Fourth Part of Brief Register of Parliamentary Writs*, p. 7.

As this allowance for the travelling expenses of members of parliament and for their presence at Westminster was a serious addition to the taxation of the electors, especially of those of the towns, which were almost all so small that the wages of their members were a real burden upon the inhabitants, one common way of bribing the electors for their votes, when to represent a constituency to parliament began to be considered an honour to be desired, was a promise made by the candidate that in the event of his election he would abate a part of his claim, or would even forego any payment for his attendance at Westminster.[1] When towns were unable on any pretext to shake themselves clear of the expenses of being represented in the House of Commons, this bribe from a candidate was a very tempting one.

Postage of Letters.—There are few offices connected with the government of this or of any other country which have had so great an influence on the social life of the people as the post office for the conveyance of letters from one town or district to another. We have seen that the official limit of a day's journey was twenty miles; this was also the usual extent of a posting stage for a horse in 1500.

The introduction in England of the post for letters has been traced by some to an ordinance of Edward IV., who during the war with Scotland in 1481,[2] stationed men on horseback along the northern road to forward despatches. These messengers were posted at an interval of twenty miles, with directions to ride at their utmost speed to the limits of their beat, and hand on any letters with which they were charged to the man who occupied the next station, so that by this means a despatch might be conveyed one hundred miles in a day. This plan, which possessed little if any originality, was it is thought borrowed by Edward IV. from an institution which Louis XI., King of France,

[1] *Sixth Report of Comm. on Hist. MSS.*, p. 582; *Ninth Report*, p. 145.

[2] As his brother Richard commanded in this expedition, the device is probably due to him.—Sinclair's *Hist. of the Public Revenue*, vol. i., p. 161 (third edition).

had devised six or seven years before its introduction into England.[1] The system was made use of by Richard III. when he was awaiting the landing of the Earl of Richmond.[2] By means of the same arrangement, as we learn from a letter of Lord Surrey to Wolsey in 1523, a despatch from Newcastle was able to reach London "in forty-eight hours at the least."[3] These, however, are instances of the way in which expresses for military purposes originated, and are not to be regarded as the commencement of the post for domestic and commercial correspondence at stated times.

As happens with most great discoveries and important institutions, the origin of the post for letters is obscure; just as the source of a large river may be traced to a number of small rills rising in different places, which mingle their waters without any one of them having much claim to be considered the source of the great stream. It has been suggested that the carriage of letters was a duty similar to that performed by slaves among the German and Saxon tribes, who were expected to go on errands and carry goods or messages for their lord when required, and that the post took its rise from this. The resemblance, however, is too casual to support such a conclusion, or to attribute the origin of the postage of letters to such common services.[4] But not to speculate on this, and confining our attention to England, we know this much, that the post for letters had its beginning before the time of Edward I., and had been employed by the Venetian merchants settled in Flanders and in England before the fifteenth century.[5]

[1] *Croyland apud Gale;* "Le premier besoin dans une telle crise, c'était de savoir tout, de savoir vite. Il établit la poste : de quatre lieues en quatre heures, un relais, où l'on fournirait des chevaux aux courriers du roi, à nul autre, sous peine de mort."—Michelet, *Hist. de France*, liv. xiv., ch. premier.

[2] Gairdner's *Hist. of Richard III.*, p. 234 ; Miss Halsted's *Richard III.*, vol. ii., p. 432.

[3] Ellis, *Original Letters*, 1st series, vol. i., p. 227 ; 3rd ser., vol. ii., p. 271.

[4] Seebohm's *Village Community*, pp. 319, 325, 403.

[5] *Calendar of State Papers, Venetian*, vol. i. ; Burgon's *Life of Gresham*, vol. i., p. 107 ; *Les Missions Diplomatiques* de Pierre Anchemant, 1492-1506.

In the wardrobe accounts of Edward I. we have a notice of messengers who took charge of the correspondence of the great officers of state, the sheriffs of counties, the constables of the royal castles, and other important officials, and delivered the letters as addressed. The same document tells us that these letters were placed in a bag. For the performance of his duty the messenger was entitled to a payment according to the distance he had carried the letters; and in the record from which this is quoted we learn that the expense of letters from Newcastle to Carlisle was eighteen pence, and from York to Dover three shillings and sixpence. The messenger who carried letters from London to York charged one shilling a day for the sixteen days employed in going and returning between those cities.[1]

It had long been among the regular services due from some manorial tenants that they should convey the lord's letters, provided that the distance was not great; thus, in 1340, at Castle Combe in Wiltshire, we find that eleven of the tenants held their land, in part, on this tenure. Among other services they were expected to carry letters when required to do so, provided that the distance permitted of their going and returning on the same day.[2] Long, however, before this time the conveyance of the king's letters was one of the services rendered by the tenants of the crown who held their land in grand serjeantry.[3]

In the middle of the fifteenth century it was among the official duties of the Venetian consuls at Bruges and at London to make up a bag of letters once a month and send them in one of the galleys sailing to Venice. These were not despatches of officials to the government, but of merchants to their agents or correspondents. Two-thirds of the expense for the postage of these letters was charged to the merchants of

[1] From Ireland the postage amounted to £1 6*s.* 8*d.*; another charge is 13*s.* 4*d.* The first sum was paid to the regular messenger, the latter to "Stokfish," a servant.—*Wardrobe Accounts, Edward I.*, pp. xlv, 281, 285. Letters to London from Tonbridge cost the royal writer fourpence, and if forwarded through London to Windsor with "great speed," one shilling.—*Sussex Archæological Collect.*, vol. vi.

[2] Scrope's *Hist. of the Manor of Castle Combe.*

[3] Blount's *Tenures of Land* (ed. Hazlitt), p. 184.

Bruges, and the remaining one-third to the London merchants.[1] How long this had been the practice before the notice of it in 1461, is difficult to say. In the beginning of the sixteenth century, however, the post was administered, if not as regularly as it is now, yet after the same system, though of course without the improvements which have been suggested by experience since the date of the original institution.[2] These two instances the obligation of the tenants of a manor to carry the letters of their lord and the practice of the Venetian consuls to collect the letters of their merchants in foreign parts and to transmit them to Venice, sufficiently account for the origin of the collection and distribution of letters in this country, without need of reference to the military expresses of Louis XI. of France or of Edward IV. of England and his brother Richard of Gloucester.

The postman in the beginning of the sixteenth century made his presence known by blowing a horn whenever he delivered letters from the court. If his letters were not official, he seems to have marked the distinction by delivering them in silence. The horn marked the royal missive.[3]

Though the postage of a letter was too costly to allow of any except the wealthy maintaining a regular correspondence, the post at the end of the fifteenth century already gave promise of its future importance in the social and political economy of the nation, and at the beginning of the reign of Henry VIII., though the post office was yet in its infancy, it was so far established as to be a recognized institution in England.

The carriage of letters was by this time entrusted to a department of the government, and was placed under the direc-

[1] *Calendar of State Papers, Venetian*, vol. i.

[2] See in *State Papers of Henry VIII.*, vol. i., pp. 404-6, an interesting letter of Brian Tuke in 1533 on the duties, &c., of post-masters.

[3] *Seventh Report of Hist. Commiss.*, p. 604 ; *Sidney Papers*, vol. i., p. 362. The French postmen at the same time carried a horn slung round the neck.—Brewer's *Letters and Papers of the Reign of Henry VIII.*, vol. iv., p. 1635.

tion of an officer who was styled "Master of the Posts," and had charge of the roads of chief political importance, namely that leading to the frontiers of Scotland and that between the court and the garrison at Calais. To these two roads were added, when the state of the revenue permitted, the western road running to Bristol. Messengers were stationed here in order chiefly to maintain the intercourse with Ireland.[1] The towns which lay near these roads were invited to pay the costs of local posts, which would ensure a safe and regular intercourse between them and London. Various towns lying on the road to the capital availed themselves of this invitation, and placed their interests in the hands of the Postmaster-General. The proportion of the cost of delivering these letters in the towns between London and the termination of the postal despatch was distinguished from that of their carriage over the main road. This latter was borne by the crown; the former, or local post, was to be paid for by the towns which had obtained the privilege of having a delivery of letters. Letters, however, were so few, and the payment of the postmen so small, that the messenger generally kept no horse; and when it was necessary to hasten a despatch, or when two letters arrived at the same time and had to be forwarded over different roads, constables were sent forward to seize horses "from ploughs and carts, wherein," as a post-master of the early part of the sixteenth century complains, "there can be no extreme diligence."[2]

The post office in this country was declared to be inferior

[1] The names of the early masters of the post is an evidence of the importance of the office which they filled. Sir Brian Tuke, who held this post in the reign of Henry VIII., and Sir John Mason, who was post-master in the time of Edward VI., were both men of mark and position —men, as we should now say, of cabinet rank.

[2] *State Papers of the Reign of Henry VIII.*, vol. i., p. 405. In the *Wardrobe Accounts of Edward I.*, published by the Society of Antiquaries, is a detailed account of the cost of sending letters from the court and the expense of messengers (*expensis nunciorum*) in that reign. Little advance seems to have been made between 1300 and 1500.

to that of France and other parts of the continent. This was true both of the conveyance of letters and the posting accommodation for travellers. The writer from whom the last extract has been taken says that, "except the hackney horses between Gravesend and Dover, there is no such usual conveyance in post for men in this realm as is in the accustomed places of France and other parts."

There were few letters sent by the post, not only because the intercourse between different parts of the country was yet infrequent, but because when written the heavy rate of the postage of such letters here, as on the continent,[1] led to their being often entrusted to a casual messenger, or to the hands of a chance pilgrim or a chapman who happened to be travelling towards the town to which the letters were addressed. Even when given into the charge of the messengers of the royal post office the letters were so frequently delayed by the stopping of these letter-carriers on the road, that the writers were directed to endorse on the letter the time when the letter was sent out, and, in order to check the loitering of the postman, he was warned on the cover to make speed, or to "Haste, post haste!" and was directed to ride with all diligence, sometimes with the addition, "For thy life, for thy life,"[2] as though such directions would terrify a laggard messenger, or put fresh life into the limbs of a tired horse."[3] Notwithstanding these defects of the postmen, the delivery of letters from that time was fairly regular, and the cost of their transmission through the post office was gradually lessened. At the commencement of the sixteenth century

[1] On the expense of the postage of letters on the continent in 1550, see *Original Letters on the Reformation*, pp. 670, 677 (Parker Society).

[2] Tytler's *England under the Reigns of Edward VI. and Mary*, &c. See also in Ellis, *Original Letters*, *passim*.

[3] Brian Tuke, however, in 1533 complained to Cromwell, that letter-writers seldom observed this direction, and that when they did, they sometimes "for their own thanks dated their letters one or two days before they were written, and the conveyers have had the blame."—*State Papers, Henry VIII.*, vol. i., p. 405.

the charge for a letter sent from Newmarket to Cambridge was fourpence, a sum equal, however, to more than half-a-crown of money at the present value.[1]

[1] "To a poste that broughte a letter from Newmarket to Cambridge to my lady, iiij^{d}. For a cappecase for to carye your letters in, xviij^{d}."—L'Estrange's *Household Accounts*, 1549; *Archæologia*, vol. xxv., pp. 557, 559. "1585. Paid to the foot post sent by Mr. Brome four or five mile of a message, xij^{d}."—*Ninth Report of Comm. on Hist. MSS.*, part i., p. 157.

CHAPTER II.

Villages—Alehouses and inns—Health of people—Food—Medical knowledge—Relative conditions of agricultural labourers in fifteenth century and at present—Agricultural wages—A bondman's career—Taxation—Land tenures—Political condition of rural population—Tenant farmers—A farm in Leicestershire—The poor—Home life—Manor houses—Frankelyns and country gentry—Sources of a landowner's income.

THE villages where the agricultural labourers lived were small, and the houses they tenanted slight. A few boards, a load or two of loam dug on the spot and strengthened with moss, straw, or stubble, made the walls of the cottages; a few bundles of heather from the common or reed off the fen supplied the thatch. These were all the materials required. In 1306, the master and fellows of Queen's College, Oxford, built on one of their manors a house for two of their agricultural labourers, and the bill for the erection of this cottage still remains: "To a carpenter making a new house . . . for the swineherd and shepherd, five and eight pence." Materials for building and assistance rendered comes to a little over fourteen shillings. "Sum total, twenty shillings." The cost is but small, but then the house was only like peasants' houses in general, a covered shed without floor, without ceiling, without a chimney, and almost certainly without plastering.[1] Eighty years later than this, in 1388, the authorities of St. Peter's College, Cambridge, rebuilt some dilapidated houses belonging to that college, and the houses appear to have been as humble as those built by the Oxford college. In the Cambridge accounts we read, "Twelve pence paid to the men for two days, for pulling down the antient houses . . . also twelve pence paid to three men for one day in raising the new houses."[2] There could have been no improvements in these houses over those built at the com-

[1] *Sixth Report Comm. on Hist. MSS.*, p. 360.
[2] *First Report Comm. on Hist. MSS.*, p. 82.

mencement of this century. This state of things continued throughout the fifteenth century, and the rude hovels which sheltered the labourer and his family in the previous century afforded the same indifferent shelter to his descendants in the days of the first Tudor king. The houses were not larger, the arrangements were as simple, the materials of which the cottages were built were the same as in the earlier houses; they remained without floors, they still had neither ceiling nor chimney; if in any respect there was a change, it consisted in this, that their interiors were more foul and loathsome than before. They were built with little regard to regularity, on the spot most convenient for the tenant's access to his holdings or gardens. These sheds or cottages had but one room, rarely divided, except at times when a hurdle was stretched across it to keep the cow and sheep, or the pig and poultry, from the children.[1] At the end of the apartment where the family found an imperfect shelter, a fire could be made on the ground, and the smoke, after blinding the eyes of the inmates, escaped through the roof or the chinks of the door. To save fuel, for firewood was scarce in winter, the family sometimes lay huddled up in the litter on the ground "pleasantly and hot," as the poet tells us.[2] No wonder we read of complaints that the friars, whose mission was to the poor and unsavoury, and who for a while worthily fulfilled their duties in this respect, came no longer, or at least less frequently, "to poor men's houses for the stink and other filth" of these homes.[3]

At the end of the fifteenth century the houses of one or two of the farmers living in or near the village were remarked for possessing the luxury of a chimney, but even towards the end of the sixteenth century this was a convenience only seen in the better class of houses in the rural districts. By the middle

[1] Thus Barclay, in his *Eclogues*, makes Coridon say, at the prospect of a tempest—

"Drive we our flocks into our poor cottage."

[2] Barclay's *Fifth Eclogue;* see Prologue.

[3] Of the leaven of Pharisees, cap. v., *English Works of Wyclif hitherto unpublished* (Early Text Soc.), p. 17.

of the reign of Elizabeth, chimneys, as Harrison tells us, had increased, though they were still regarded as a somewhat ostentatious luxury. In the rolls of a manor at Lindsey in Lincolnshire, provision was made in the sixteenth century for their being frequently swept, a rule necessary at a time when timber and straw made so large a part of the materials used by the builders of farmhouses,[1] a proof also of the increase in the number of chimneys.

Beyond the cottages, "fenced all about with stikkes," were the arable fields. These, so long as the fallow was in alternate years, were two in number, or three when the threefold system of husbandry prevailed, and the land was in the first year under wheat or rye, in the second under barley, oats, beans or flax, and in the third year was lying fallow. Each of these fields were divided into strips generally a furlong—a furrow long—in length, separated by turf balks or ridges, and sometimes by bushes which afforded good cover for a hare or two.[2] Every tenant of the manor held a strip in each of these fields. All these strips of land were ploughed at the same ploughing, and were cropped at the same time, all became common pasture at Lammas day, and so continued till Candlemas day following. These lands were ploughed by the manorial plough, drawn usually by eight oxen, and sometimes by twelve, but occasionally by four oxen and a like number of horses.[3] Every holder of half a virgate of land was bound to supply one ox to this team. These oxen were shod on the fore feet and did most of the work allotted to animals on a farm. Though horses were thus occasionally used with the oxen, they were but seldom employed in ploughing. The flesh of the ox fattened after it had been exhausted by work was eaten;

[1] "1578. That everye man sweepe ther chymnes yearly fower tymes in payne of vi^{s}. viij^{d}."—*Manor Rolls of Scotton*, in *Archæologia*, vol. xlvi.

[2] *Piers Plowman.*

[3] "The normal plough-team was of eight oxen, though some heavier lands required ten or twelve, and sometimes horses in aid of the oxen."—Seebohm's *Village Community in England*, who cites as authorities Hale's *Doomsday of St. Paul's* (Camd. Soc.), pp. 1, 7, &c., and the *Gloucester Cartulary*, pp. 55, 61, 64.

that of the horse was useless for this purpose. If the village possessed any meadow lands, these were fenced off from Candlemas day to Midsummer, but from July till February the meadows were common to all the tenants of the manor.[1] Beyond the arable ground lay the stinted pasture shared by all in proportion to their arable holdings.

The monastic grange was substantially built and was made sufficiently large to store the corn, whether it was tithe from the grounds of the tenants or the produce of the monastic lands. The tenant farmer, however, stored but little of the produce of his fields. Until he could sell any of his surplus grain he sometimes laid it up in the church, at the west end or under the tower, but he had seldom sufficient corn to require this care. The need he had for money forbade him to keep it in hand, and hence the violent fluctuation which we find in the price of corn at different periods of the year, the cheapness when the harvest had been got in and the famine prices to which corn rose before the next harvest; and the distress of the labouring classes in consequence.

Though the strips of common arable ground into which the unenclosed field was divided were clung to by the cottager and the small labouring proprietor longer than by the tenant farmer, yet this husbandry was long common to both classes of agriculturists. Towards the end of the Middle Ages, however, these open field holdings were discouraged, and often gave place to compact farms, in which the manuring and choice of crops were brought more within the control of the tenant, and by this means agricultural improvements became possible.[2]

Alehouses and Inns.—Although the houses of the peasants were dark, unhealthy, and cheerless, the labourer, as at

[1] "A common," or common land, meant land common to the use of the tenants, sometimes only to the copyhold tenants, of a particular manor, not that which was common to all occupiers. There was no such land. The intrusion of any person not a tenant of the manor, and acknowledged as such in the manorial courts, was rigidly guarded against. See Elton, *On the Law of Copyholds*, chap. viii. Such land is in manor rolls almost always styled "the common *of the lord*," as the waste is "*the lord's* waste."

[2] See concluding chapter of Fitzherbert's tractate on *Surveyinge*.

present, had not far to turn for more comfortable rooms, for boon companionship, and for good cheer. The number of alehouses in almost every village and hamlet was excessive. To us they appear to have greatly exceeded all possible need, but then it must be borne in mind that ale or beer was a necessity at a time when few other drinks were known.[1] Tea and coffee had not been heard of. Wine, even English wine, was far beyond the means of the labourer, as well as beyond his taste, and cider and perry, though early drinks, seem to have been seldom, perhaps never, seen at an alehouse.[2] Here the labourers and, following the example of their "betters," the labourers' wives too, frequently passed the long evenings, and sat through the night over their ale-pot,[3] and spent their earnings, and when these were gone, pledged their kirtles and hoods, their doublets, hose, and gown, and other articles of clothing, and, provided their credit was good, when all these were pawned, ran up a score with the alewife to be paid with "interest and double interest" out of their future wages.[4]

The picture which Langland, the popular poet of the reign of Edward III., has left us of the company of labourers gathered in a village alehouse of that date is in agreement with the notices of the women who flocked to a similar house at the beginning of the sixteenth century, as furnished us in

[1] Some writers distinguish ale from beer; others, however, use these terms convertibly. As, however, ale was more expensive than beer, there must have been some recognized distinction, probably however only in the quality of these drinks.

[2] The lordships of Redham and Stokesley in Norfolk were held by petty serjeantry in 6th John (1205) by the tenure of paying yearly at Michaelmas day 200 pearmains and four hogsheads of wine made of pearmains.

[3] Skelton; Barclay in *Eclogues*. Others besides labourers left their goods in the alewife's hands. Thus Barclay says of one, "His sword and buckler is pledged at the beer" (*Eclogues*, Ec. first); and these were not labourers' weapons.

[4] Aubano, *Gli costumi . . . di tutte le genti*, Italian translation, Venice, 1542. One of the injunctions of Archbishop Rotherham, in 1489, to the Prioress of Appleton, near York, is: "Item, that none of your sisters use y^e^ alehouse nor y^e^ waterside wher concourse of straungers dayly resortes." —*Test. Ebor.*, vol. iii., p. 174 (Surtees Soc.).

the coarser pages of Skelton. The hedger, the ditcher, the rat-catcher, the cobbler, the rag-gatherer, the ostler, the warren-keeper, and men of similar occupations, were there in the earlier period, and drank their ale and drank much, and swore oaths "a heap" in company with the parish clerk and the curate of the village church,[1] and left a part of their clothing behind in payment of their score, or in pledge that they would pay it. The women did the same at the later date, and in the substantial accord of the two pictures we have an additional illustration of the stationary character of the population in most respects during the whole period from 1300 to 1500. In one particular the early gatherings may seem to compare advantageously with those of the Tudor times, since the company in Langland's pages are represented sitting over their ale and beer only "till evensong." At the later period the sitting was often prolonged through the night and till matins. That the hours of the alehouses were better regulated at the earlier date would, however, be a hasty conclusion unwarranted by fact. At both periods alike these houses frequently evaded the law and sheltered their guests through the whole of the night.

These alehouses were, for the most part, kept by women, who both brewed and sold ale and beer of various degrees of strength. Precautions were taken on every manor, and in every town and village, though with small success, to prevent the adulteration of these drinks with peony seed, garlick, salt, and other provocatives to thirst, and the alewives were forbidden to tap their ale until they had given notice to the official ale-taster that they had ale on sale, and until he had certified that it was pure and of proper age.[2] Yet still adulteration went on, and at almost every manor court the tipplers—by which was meant those who sold the ale, not

[1] The *Vision of William concerning Piers Plowman*, passus v., lines 158-91, vol. i., pp. 60, 61 (E. E. T. Society, first edit.); Wright, vol. i., p. 96; Skelton's *Elynour Rummyng*, Works (edit. Dyce), vol. i., pp. 95-115; *Colyn Cloute*, *Ib.*, p. 320.

[2] *Fourth Report of Comm. Hist. MSS.*, p. 448.

those who drank it—sometimes all the tipplers within the manor bounds, were fined for their breach of the law in these respects, as well as for the use of false measures, and the inordinate quantity of rosemary at the bottom of the ale-pottle, put in not so much to flavour the ale as to diminish the capacity of the ale-measure. These houses were easily found, for the law required that all alehouses, whether they were distinguished by a sign, or only by an ale-stake, whether great or small, should have a lantern hanging at the door until nine o'clock in the evening,[1] and that then the alehouse should be closed. It was a matter, however, of common complaint that men and women evaded the law by coming before the time for shutting up and by staying the night through over their ale, and that they played at dice, cards, and other forbidden games until morning, whilst many of them even remained drinking and gambling through the Sundays and other festival days,[2]

"—— at mack or at mall,
Tables or dice, or that cards men call."[3]

At these houses home-brewed ale was retailed at a half-penny a gallon. This, however, was but a thin potation. Ordinary ale cost a penny a gallon, and the best or strongest ale fourpence the gallon. London ale was considered better than that brewed in the country, and commanded a higher price.

Later in this century, indeed, but not as though it was any new extravagance, Harrison tells us that the signs at the doors of these inns were so "gorgeous" that they had

[1] In 1504 an innkeeper at Canterbury was fined for not having a sign to his house (*Ninth Report Comm. on Hist. MSS.*, pt. i., p. 149). In 1582 we have the record in the books of the Corporation of Plymouth: "The ale stakes put downe and signes set upp" (*Ib.*, p. 277). The legal obligation of having a sign will probably account for their maintenance in inns and taverns after they had been removed from other houses.

[2] *Herald's Debates*, p. 77 (Eng. trans.); Barrington's *Observations on Antient Statutes*, p. 136.

[3] Forrest's *Pleasaunt Poesye of Princelye Practise*, cap. xix. (in Appendix to Starkey's Works, pt. i., p. xci.).

sometimes cost the landlord "thirty or forty pounds"—a sum equal to between three and four hundred pounds of our money.

In the early part of the fifteenth century beer was sometimes imported into England from Prussia, but in the latter part of that century English beer, *cervisia Anglicana*, had gained a reputation on the Continent, and much was exported from England to Flanders.[1] Wherever brewed, it was the favourite beverage of the people, who drank it without stint, nor was it disliked by foreigners after they were accustomed to it. "Barley," says a physician of this period, "is the Englishman's vine."[2] It was a complaint heard more than once that more corn was malted than was eaten for food, for the English, like the other nations of northern Europe, among whom the Flemings may be included, were known as great drunkards.[3] Some English writers say that the people of this country learnt the sin of drunkenness from the Dutch, others with equal warrant that it was imported from Germany; the truth being that the English, like the people of Flanders, Holland, and Germany, children of the same northern race, drank to an excess which astonished the natives of more southern countries. In this, however, they seem to have been outdone by the Irish, both priests and lay people, and these were not of the Teutonic race.[4]

Inns, as distinguished from alehouses, were for the use of travellers who required stabling for their horses, beds for themselves, and rest at the end of a day's irksome struggle with the mud and clay of a country road. At these inns

[1] Rymer's *Fœdera*, vol. xii., p. 471; *The Pilgrim*, by Thomas (ed. Froude), p. 8.

[2] "Barley is the principal vine grape of England that our malt is made upon."—Bulleyne.

[3] Wright's *Domestic Manners*, p. 77. Matt. Faber, preaching to a German audience from the text, *Manducaverunt et saturati sunt* (Marci viii.), thus makes practical illustration of his theme: "Facile mihi persuadeo nullum huic convivio Dominico Germanum interfuisse . . . si Germanus quispiam interfuisset, non crederetur saturatus, nisi etiam alacriter bibisset."—*Hom. Dom., Sexta post Pent. Concio.*, iv.

[4] Lyttleton's *Hist. Henry II.*, vol. vi., p. 319; *Second Report Hist. Comm.*, p. 261.

doctors met their patients and lawyers were consulted by their clients.[1] In rural districts, provided his coming was along the high roads, the traveller got food as well as lodging and a bed in these houses, but in towns, on arriving at an inn, he had generally to send to a victualler and vintner for meat and wine, as he does in an Eastern khan now, for a "licensed victualler" and an "innholder" were, at least in large towns, two distinct trades, men belonging to two different guilds, and at this date a member of one guild was not allowed to interfere in a trade under the control of another guild. If, however, the town was a small one, and there was only the merchant guild in it, composed of all sorts of tradesmen, the same man might probably combine the duties of the victualler and innkeeper.[2]

The larger inns were such as Chaucer has described in the introduction to his "Canterbury Tales." In them "the chambers and the stables weren wide," and foreign visitors to England saw and wondered at the abundance of the food, especially at the quantity of the meat, spread on the tables, at the wines which were drunk there, at the custom of ladies being invited to take a glass at these inns, and at their acceptance of such invitations, at the cleanness and the fineness of the bleached linen, and at the silver and burnished pewter piled on the sideboards of these houses. They bore, indeed, an ill reputation in one respect; landlords and ostlers were accused pretty generally of being in league with the highwaymen in their neighbourhood, of pointing out the luggage of their guests that was worth plundering, and of sharing in the proceeds of the robbery.[3]

[1] Smith's *Lives of the Berkeleys*, p. 186.

[2] By a statute or ordinance of the 13th Edward IV., the distinction between an inn and an hotel was abolished in this respect, so far as the city of Canterbury was concerned. This statute declares: "From henceforth it shall be lawful to all manner of innholders and hostelers being freemen of the said city . . . to retail all manner of wine . . . within their inns, hotels, and mansions."—*Ninth Report of Hist. Comm.*, pt. i., p. 170.

[3] See Chaucer; Harrison; *Italian Relation of England* (Camden Soc.), p. 81. This again is noted by Shakspere in his *Henry IV.*, Part I., act i., scene 1; see speech of the chamberlain of the inn to Gadshill.

Health of the People.—The gentry who slept on down beds, or on beds stuffed with rabbits' fur and other materials which passed for down, still went naked to their slumbers; the poor, who slept on bundles of fern, or on trusses of straw spread upon the ground, slept in the dress they had worn during the day, and the cloak or cassock of the ploughman was his counterpane at night. Soap was a luxury the labourer could rarely afford to buy,[1] and the lack of washing in consequence, the heap of decayed vegetable matter on which he slept, the want of vegetables at his table, the scanty supply of wholesome meat, the months during which he could only eat salt meat, or fish—the staleness disguised with much pepper, but not rendered more wholesome—the damaged corn which he sometimes received instead of money for wages, and the general uncleanness which surrounded him, disposed him to diseases which are spoken of as leprosy, and which were, at least, of that type of disease.[2] This terrible scourge was at one time common to rich and poor.[3] There appears in the thirteenth and fourteenth centuries to have been an epidemic of leprosy. It was at the end of the fifteenth century rarely to be seen except among the poor. As in other countries, so here in England, the leper was shunned. Those afflicted with the disease were driven from their homes to find a refuge wherever they could get shelter.[4] Houses which had been endowed to enable the leper to

[1] Common soap was at this time 1½*d.* per pound (1¼*d.* when bought in a quantity). A labouring man's wages for the day were equal to the cost of two pounds of this commodity.

[2] As the Pellagra of Northern Italy now, which in many respects resembles the leprosy, is believed by many to be caused by living almost exclusively on maize, often on damaged maize.—*La Pellagra in Italia*, Rome, 1880.

[3] See *Hist. du Prieuré du Mont-aux-Malades-les-Rouen*, par Langlois, chap. v.

[4] Hunstanton, 40 and 41 Henry III.: "The court present that Haymo Faber is a leper, and also two others (named); so four men are ordered to see that they get lodging elsewhere."—*Third Report Hist. Commiss.*, p. 271. In London, 1375, the keepers of the gates were sworn not to allow a leper to enter; and if, in defiance of such order, the leper persisted in entering, his horse was to be taken from him; and if he had no horse,

live apart from society were common both in this country and on the continent of Europe.[1] In England they stood at the entrance of almost all our towns. In these hospitals the poor were generally received without payment, if there was sufficient room; many poor, indeed, were specially privileged, and had the right to these advantages on the same terms; whilst other leprous persons were received on payment of a fixed sum. The number of these lazar-houses, however great, was insufficient to accommodate more than a small proportion of those suffering from this disease. The rest flocked to the high roads, and exposed their distorted limbs and sores, and sought by attracting the notice of travellers to gain alms for their support. Though this was forbidden lest they should spread the infection, these miserable beings could not be prevented from soliciting charity by this means from the passers-by. It was long before this disease ceased to be common amongst the poor in this country. It lingered far beyond the end of the Middle Ages, especially in Cornwall and in other places where a fish diet was much used.[2]

In a spirit of economy by no means commendable, sheep that anticipated the butcher and died from natural causes were given to the farm labourers. Measly pork was reserved for sale to the Flemish settlers, but if "rotten pork or salmon" were brought for sale to the market at Berwick-on-Tweed, and probably the same regulation was in force in other towns, and if the attempted sale was detected, the corrupt meat or fish was confiscated and sent to the lepers outside the town for

then his "outer garment," which he was not to have back without leave of the mayor.—Riley's *Memorials of London*, p. 384.

[1] "Dix-neuf mille léproseries existaient dans la chrétianité, au temps de l'historien Mathieu Paris."—Langlois, *Hist. du Prieuré du Mont-aux-Malades-les-Rouen*, p. 115; *Hist. des Français des divers états*, par Monteil, tome premier, xiv. siècle, epit. vi.

[2] *Report on Leprosy by the Royal College of Physicians*, 1867. "1641, July 26. I passed through Delf to the Hague; in which journey I observed diverse leprous poor creatures dwelling in solitary huts on the limits of the water, and permitted to ask the charity of passengers, which is conveyed to them in a floating box that they cast out."—Evelyn's *Diary; Report of Medical Officers of China*, arranged by Surgeon-General C. A. Gordon, p. 150.

their eating, "and if there be no lepper folk," the law goes on to direct that the "rotten pork or salmon was to be utterly destroyed."[1]

Although there is no necessary connection between swimming and bathing in the open air, yet when swimming is neglected it is not likely that bathing will be much resorted to. Of swimming at this date in England Sir Thomas Elyot observed that "it hath not been of long time much used, especially among nobleman."[2]

It will, then, occasion no surprise to find that the neglect of cleanness among the labouring classes, and the state of their homes, and the food which they ate, predisposed the English to suffer greatly from scrofula, scurvy, and diseases of the same nature, which, probably in their aggravated forms, were included under the name of leprosy, and that those who suffered in this way were called lepers. Sad, however, as was the state of the English people in this respect, it was not worse than the state of the people in other parts of Europe. On the whole, the health of the people of this country seems, indeed, to have been better than in the countries on the Continent. Polydore Vergil, who was able to compare the state of England with that of several of the other countries of Europe, tells us that in England "disease reigns seldom, and that, consequently, there is less use of physic than in other places,"[3] words which give a fearful idea of disease in the continental states of Europe.

The close of the fifteenth century was marked by a new type of disease, which, at its first appearance in this country, is said to have caused the death of thirty thousand of the inhabitants of London alone. Hecker, the historian of the epidemics of the Middle Ages, is of opinion that this disease

[1] *Antient Laws and Customs of the Burghs of Scotland, Frag. Collecta*, xlv., p. 183. Sir Walter Scott must have had instances of such economy in his mind when he put into the mouth of John Girder the directions, "Let the house be redd up, the broken meat set by, and if there is ony thing totally uneatable, let it be gien to the puir folk."—*Bride of Lammermoor.*

[2] *The Governor*, p. 60.

[3] Polydore Vergil's *Hist. of England*, book i., p. 19 (Camd. Soc.).

was an acute, malignant form of rheumatism, accompanied with intermittent fever. He, however, tells us that it is best not to call it by any other name than that by which it is known in history, "the sweating sickness," since all other names are inadequate and misleading. The sickness is said to have originated among the soldiery of the Duke of Richmond, afterwards Henry VII., which had suffered great privations and had seen hard service. It broke out at a time marked by great inundations, and spread on all sides among a people who had also been exposed to long privations which had enfeebled their strength, and it continued its destructive ravages during a great part of a century.[1] This form of sickness was regarded as so peculiar to the people of this country that it was spoken of sometimes as the "King of England's sickness," [2] at other times as "the English disease," though this name, *morbus Anglicus*, was more usually, and perhaps more fittingly, applied to consumption.[3]

Food.—For a large part of the year the people, especially the poor, were dieted on fish. This was the case, not only during Lent, but at other seasons also. When sheep and cattle were withdrawn from the field, and their carcases were salted down for winter consumption,[4] almost the only animal food within reach of the people was salted fish, such as cod, conger, ling, hake, sturgeon, sprats, and eels.[5] The ponds, rivers, and fens were well stored with perch, tench, bream, grayling, eels,

[1] Hecker's *Epidemics of the Middle Ages*, pp. 182, 305.

[2] *Calendar of Letters and Papers, Henry VIII.* (Brewer), vol. iv., p. 1970.

[3] Hunter's *Doncaster*, vol. i., p. 189. He refers to a treatise of Dr. Gideon Harvey on Consumption, published in 1671 under the title of *Morbus Anglicus*.

[4] The winter store of beef was laid in about Advent (St. Martin's day), at which time the cattle which were to be killed, as well as those few to be kept in the stalls during winter, were withdrawn from the fields. "20 Nov. 1461. Has laid in sufficient beef for Paston's household till fastgang" (Lent).—*Paston Letters*, vol. ii., p. 70 (Arber). "Given to the servants of the upper ox-stall on the night of the bringing in of the oxen upon Advent, 4^{d}."—Blomfield's *Hist. of Bicester*.

[5] First they fed off salt herrings, and when these were all eaten then on stock fish, salt ling, or cod.—Tusser's *Husbandry*, chap. xii.

and sometimes trout. Carp, turbot, and pike were rarely cheap enough to make their appearance at the tables of any except the wealthy. Almost all the monastic bodies had stews from which a supply of fish could be taken for their inmates. As sea-fishes could not be carried far inland sound and wholesome, they were baked in pasties, by which the staleness of the fish was in part disguised. In 1359, ten years after the great pestilence, the animal food supplied by the farmer to his reaper in time of harvest consisted of two herrings daily.[1] People of wealth and station, however, who were fastidious as to their food, went to the seaside, not indeed for the sake of the salt breezes, but to enjoy their dishes of fish in the season of Lent, and at other times of the year, whilst the fish could be brought fresh to table.[2] To this fish diet, which continued through a great part of the year, may be largely attributed the scrofulous or leprous diseases common among the poor, though not entirely confined to the lower orders of society.[3]

Fish, except at rare intervals, was not, however, a cheap food. The peasantry appear to have fed largely on pulse, field peas, beans, and sometimes vetches. The English were regarded by foreigners as great eaters of flesh, which was generally as cheap as grain was dear, so that these visitors expressed their surprise at the quantity of meat consumed in the inns, at the tables of the country gentry, and by the artisans of our towns. Foreign visitors, however, had little opportunity of judging of the food of the mass of the people, the labourers in the rural districts, who were intolerant of the presence of strangers, and were rarely visited by travellers. Though corn was throughout the Middle Ages a small and precarious crop,

[1] Cullum's *Hawsted*, p. 215.

[2] Smith's *Lives of the Berkeleys*, pp. 99, 107.

[3] No fish unless salted could be kept in London beyond the second day of its arrival.—Herbert's *Livery Companies of London*, vol. ii., p. 10. In the kitchen accounts of Humphrey, Duke of Buckingham, 1443-4, mention is made of the purchase of—10 barrels of salt herrings, 11 cades of red herrings, 6 cades of sprats, 3,379 salt fish, 3,060 stock fish, 6 barrels of salt salmon, 1 barrel of cod, 1 barrel and 13 salt eels, 1 barrel of sturgeons, 12 lampreys (*murænæ*), 1 pair of porpoises.—*Compota Domestica*, pp. 14, 15.

the sheep and cows which grazed in summer time upon the manor waste supplied cheese and flesh in abundance, and a Florentine traveller, writing in the middle of the sixteenth century, confirms the account of the Venetian ambassador already cited, and says of the English that "they are disinclined to exertion, and sow so little that the produce barely suffices for their subsistence, by reason of which they eat little bread, but so much the more meat, which they have of all kinds and perfect quality. Puddings and cheeses are everywhere forthcoming, for numberless herds pasture day and night in the most fertile districts."[1]

It has been sometimes thought that the great loss of infant life during the whole of the Middle Ages was compensated for by the greater length of life in those who survived the dangerous time of infancy, and that neglect and medical unskill were more fatal to the weakly than to the healthy, so that those who were carried off were chiefly the infirm of constitution. This, however, is not even partially borne out by fact. In these days old age came sooner, as men and women entered upon the duties of life earlier than now, and the number of those among all classes who lived beyond the age of seventy was far smaller than at present. The surroundings and conditions of life, the insufficient nutriment, the unwholesome food, and the unhealthy atmosphere of home, were specially destructive of child life. As a rule, envenomed air is deadlier to the young than to the old,[2] though it destroys both old and young. Hence, whilst in the whole population those under fifteen years of age were in the Middle Ages as 6.33 to 13.16, they are now as high as 9 to 11. A very competent authority says "that in the Middle Ages the deaths of a great part of the nobility, even when occasioned by natural causes, occurred under the age of forty."[3] Indeed, "as large a number of persons now live to seventy years as lived to forty" in the

[1] From a report of Petruccio Ubaldini, 1551, cited from MS. in the library of St. Germain de Préz, in Von Raumer's *History of the Sixteenth and Seventeenth Centuries* (Eng. trans.), vol. ii., p. 72.

[2] Ruskin.

[3] Mr. Amyot in *Archæologia*, vol. xxii., p. 241, note.

year 1500.[1] Queen Elizabeth was the first of the twenty-three sovereigns of England after the Norman Conquest who attained the age of seventy.[2]

Medical Knowledge.—Up to the year 1500 the progress of medical knowledge was hardly perceptible, and surgical knowledge was equally stationary. Even after the establishment of the College of Physicians by Henry VIII., when, for the first time, some special knowledge was required from those who sought to practise the art of healing, great, if not the chief stress in the examination of the candidate was laid on his possessing an acquaintance with astronomy, by which usually, though not invariably, was meant what is now distinguished as astrology.[3] Since the success of medical remedies depended on the conjunctions of the stars and on the age of the moon, some such knowledge was held necessary in a physician. The ordinary practitioners, "to the great harm and slaughter of many men," were, in the words of the physicians, "uncunning" in the healing art, and in short were for the most part illiterate quacks,[4] and the more common remedies which they made use of, even if they advanced so far, were empirical and too frequently powerless to even alleviate the most ordinary sickness. The long illness of Henry VI., and its nature, gave importance to the profession of medicine, though it is doubtful whether any real progress was made in the science itself. Surgery was, if possible, in a more barbarous

[1] Jarvis' *Report to Massachusetts Board of Health.*

[2] Edward I. died in his sixty-ninth year; George II., George III., and William IV. exceeded Elizabeth in age.

[3] Chaucer says of the Doctor of Physic, in the Prologue to the *Canterbury Tales*,—

> "He was groundud in astronomye.
> He kepte his pacient wondurly wel
> In houres by his magik naturel."

See also, in *Seventh Report of Commiss. on Hist. MSS.*, the case of Dr. Forman, in the reign of Elizabeth, and Johnson's *Life of Linacre*, chap. iv.

[4] Petition of Physicians, 9 Henry V., *Rolls of Parliament*, vol. iv., p. 158. For a lively account of the practice of a physician of this age, see Monteil's *Histoire des Français des divers états*, vol. ii., pp. 296-309 (4th edit.).

stage even than medicine. Anyone who could spread a plaster was entrusted with the care of wounds of all kinds, and was gladly welcomed as an army surgeon. In military expeditions to the Continent men destitute of any surgical education were pressed for surgeons. Usually, however, the more fortunate patients were those left to the healing operation of nature, or those cured of their sufferings by the merciful hand of death. One surgeon accompanied the English army which fought at Agincourt.[1] Though some of the simple remedies made use of by such ignorant practitioners were the result of casual but frequent observations in past time, which might not have deserved the discredit into which they afterwards fell, we have, it must be confessed, inherited little from the skill and experience of the physicians and surgeons who practised medicine at the close of the Middle Ages.

Relative Conditions of Agricultural Labourers then and at present.—A question is often asked as to whether the condition of the agricultural labourer at the close of the Middle Ages was better or worse than that of the peasant of our own day. This is too often answered according to the prepossession of the writer, rather than to the facts of history, and sometimes at least with a disregard to many of these facts. To those who are content to set aside mere theories and to arrive at a conclusion in accordance with such facts, it will appear that the condition of the labourer in husbandry was far worse at the close of the Middle Ages than it is now. That the population of England was almost stationary for two centuries and a half before the accession of Henry VII., that the deaths during that period almost equalled the number of the births, and that few years during this long period were unmarked by famine and pestilence, are facts which give support to this conclusion —indeed, tend considerably towards our arriving at that conclusion. With good wages and under more favourable circumstances, the lot of the labouring classes could hardly have been so bad as it undoubtedly was. If the unsanitary state

[1] Rymer.

of the houses of all classes must have been injurious to their health, this must have been especially so in the case of the poor.

Labour on a farm was, at the close of the fifteenth century, far less varied than it is at present. There was less work on which the agriculturist could be employed. The day's wage of the labourer was probably, on the whole, higher than at present, but then he received wages for less than three days weekly throughout the year. These wages in most instances could not at the utmost have exceeded one shilling weekly, equivalent to not much more than twelve shillings of money of present value. Most probably his weekly wages did not exceed ninepence, equal to about nine shillings of present money. Now the board wages of labourers and domestic servants in the rural districts was about twopence halfpenny daily ; in London it was at that time fivepence a day, almost twice as much as the labourer could earn in the country.[1] If we reckon the cost of food to the agriculturist, his wheat or rye, his ale or beer, the rent of his cottage, the ordinary manor dues and national taxes, for, however poor, he was not exempt from paying his proportion of the annual tenth or fifteenth,[2] and if we add to this something for clothing, for the too frequent medicine required for the child or children, the remainder of his weekly shilling or ninepence would have been exhausted. If, in addition to these necessary payments for himself, over and above the occasional earnings of his wife,

[1] Hunstanton Accounts, *Archæologia*, vol. xxv. Living in London was at all times much dearer than in the rural districts. The board of a prisoner in Norfolk gaol in 1465 cost him twenty pence weekly.—*Paston Letters*, vol. ii., p. 193.

[2] The inventory of the burgesses of Colchester, 29 Edward I., made for the purpose of assessment to the fifteenths, contains an entry which shows how minutely the inquiries were made. "John FitzElias Weaver is returned as possessing an old coat valued at 2*d.*, one lamb, 6*d.* The fifteenths of these are stated to be 2*d.*"—Morant's *Hist. of Essex.* The pathos of the poor man's pet lamb makes this worth recording. In the fifteenth century the bequests of money to be given to the poor in towns, as assistance in paying this heavy income tax, are numerous.

which, however, barely supported her, and left nothing for the family, even supposing he could just meet his necessary expenses, he had not a farthing left for bad times, which were of frequent recurrence, nor for the common and extraordinary exactions from which he could not escape. His master was forbidden by law to assist him by relieving his poverty, or even the illness of any member of his family, as by so doing he would be contravening the statutes of labourers. It will not be forgotten that attached to his cottage he had probably a small piece of ground which he could cultivate, and the privilege—for it was scarcely a right—of feeding a goose and a sheep or two upon the waste.[1] If, however, he did this, he had to pay a compensation for exemption from personal services on the demesne farm, or to share in paying the manorial gooseherd or shepherd who tended the animals belonging to the tenants on the waste, and he was at least sometimes required to pay a fine to the manor courts when his daughter married or his son had strayed for work beyond the bounds of the manor.[2] Let it be borne in mind that the land he made use of was at this date almost sterile for lack of manure and proper cultivation, and that the common pasture was not remunerative, and that his share in this was no longer held to be a right, but only a privilege the tenant was about to lose—had indeed lost in many districts of England[3]—and the conclusion seems inevitable that the lot of the agricultural labourer of those days was

[1] If this had been specially granted to the tenant by "special words in his deed."—Fitzherbert (*Surveyinge*, chap. vi.) "Swyne and geese have no common but by sufferance, without special words in their charter."—*Ib.*

[2] Fines for these breaches of manorial law are infrequent after the accession of Richard II.

[3] The waste or common of a manor was legally the possession of the lord. Fitzherbert (*Surveyinge*, chap. iv.), says: "All the hole commen is his owne and his tenantes have no certayne parcell thereof layde to their holdinges," and could send no cattle on it unless the lord had not sufficient cattle to graze it. The lord had unstinted rights of pasturage, for "it were agayne reason to abrydge a man of his owne righte, but his tenantes and every mannes tenantes, me seemeth ought of ryghte to be stynted."—*Ib.*

worse than that of the same class of labourers now. But on this point we are not left to any prepossessions, nor to conjectures and the aid of uncertain calculations. The lot of the farm labourer was, at the end of the fifteenth century, so miserable, that Sir Thomas More declares "that the state and condition of the labouring beasts may seem much better and wealthier; for they be not put to so continual labour, nor their living is not much worse, yea, to them, much pleasanter, taking no thought in the mean season for the time to come. But these seely poor wretches," he says, "be presently tormented with barren and unfruitful labour, and the remembrance of their poor, indigent and beggarly old age killeth them up. For their daily wages is so little that it will not suffice for the same day, much less it yieldeth any surplus that may daily be laid up for the relief of old age."[1]

A few great estates, a riotous surrounding of undisciplined retainers, a large show of plate and pewter in the hall, with however but little money in the purse, were not inconsistent with widespread agricultural distress caused by wasting war and the exhaustion of the soil. Add also the fact that almost all the towns and cities in England were at the close of the fifteenth century in decay,[2] and could with difficulty pay their share of the taxation of the kingdom, and that commerce was as yet a promise only, which gave ground indeed for a hope of better times to come, but had hardly begun to enrich the present, and we are sure, even before we examine the evidence, that such a community must have been in a state of poverty. The Middle Ages, like our own days —beyond our own days—were times of sharp contrasts, of great display, and of great want. The age of Edward I. had been a period of advancing refinement and comfort, and had it continued must at last have influenced the lowest classes in the kingdom; the reign of Edward IV. was a time of pomp, of barbaric splendour, and of coarse living, with but little

[1] More's *Utopia*.

[2] Campbell's *Political Survey*, vol. i., p. 426. See *infra*, at Chap. III.

comfort and refinement, and with much substantial hardship to the poor.[1]

It has been well said in words which may be quoted because they are borne out by the revelations of our social history, that compared with the peasants of the present day, the agricultural labourers of the fifteenth century "were more wretched in their poverty, incomparably less prosperous in their prosperity, worse clad, worse fed, worse housed, worse taught, worse tended, worse governed; they were sufferers from loathsome diseases their descendants know nothing of; the very beasts of the field were dwarfed and stunted in their growth; the death rate among children was tremendous; the disregard of human life was so callous that we can hardly conceive it; there was everything to harden, nothing to soften; everywhere oppression, greed, and fierceness."[2] From the end of the Middle Ages the condition of the people has on the whole been one of progress.

Agricultural Wages.—The first statute of labourers[3] was passed in order to prevent the natural rise of wages, chiefly those of the agricultural labourers. However successful for a time in controlling the natural relations between supply and demand, and in limiting the amount of wages in town and country by act of parliament, the wages of all classes of

[1] The furniture of a labourer's cottage is in some degree an index of his condition. In Blomfield's *Hist. of Launton* occur two inventories: 1. That of a villain tenant, consisting of one brass pot, two dishes of masselyng, one mattock of the value of 6*d.*, one plough coulter of the value of 8*d.*, one ploughshare of the value of 4*d.*, one salting-tub of the value of 8*d.*, two tubs or casks of the value of 10*d.*, one quarter measure of the value of 2*d.* 2. The goods and chattels of a landless workman in 1431: one dish, one adze, one brass pot containing half a lagen, two plates, two augers, one store axe, one three-legged stool, one barrel called stonde.

[2] Dr. Augustus Jessop in the *Nineteenth Century*, February, 1884, p. 272.

[3] 23 Edward III., A.D. 1349. The fact that the act was passed the same year as "the black death" was raging is an evidence, it seems, that this Statute of Labourers was not framed to meet any demand made by labourers on account of the pestilence. The inconvenience could hardly have been felt so soon. Wages were rising before that event.

labourers in husbandry during the latter part of the fifteenth century had risen almost twenty-five per cent. over the old rates of payment. It is true the receipt of such increased wages was illegal, and that labourers might be compelled at any time to work at lower and statutory rates, and that sometimes at least the penalty for taking more than was fixed by act of parliament was exacted from those who offended in this respect. Forced labour is, however, at all times unsatisfactory, and the dearth of labourers and the necessity of the farmer and landowner frequently compelled them to disregard the law, and secure their crops by paying higher wages than were prescribed by the statutes. Just before the outbreak of the "black death" the wages of the agricultural labourer were exceptionally high.[1] It is a mistake, however, to attribute the rise of wages to the excessive mortality of 1348-9. It was due to earlier pestilences than this. After that date the usual wages of the farm labourer, the ploughman, the mower and shearer, the thresher and thatcher, without food, were about threepence per day, with an increase in time of harvest, or in any other season of great demand upon the labour markets. That was about the rate of wages at the beginning of the following century. At the end of that century, in 1500, wages were almost a fourth higher, at least nominally so, and reached fourpence a day. At the former period the cost of wheat in average years was five shillings and ninepence per quarter, and of rye was four shillings and threepence for the same quantity. The average price of wheat was the same at the end of the century as at the beginning, and rye was slightly higher. Meat was somewhat dearer, and cheese and butter much dearer than those articles of food had been at the beginning of the century, so that it was doubtful whether any advantage accrued to the peasants from the rise of wages.[2]

[1] See prices in Rogers' *Hist. of Prices and Agriculture*, vol. ii., pp. 274-334.

[2] Meat was at this time, as throughout the Middle Ages, proportionally cheaper than corn.—*Landed Policy of England*, vol. i., p. 190. It was so

If the labourer was constantly employed during the week, for which he received wages, he could earn wages for almost four days and a half. Agricultural employments were suspended on the holidays of the Church, and half a day on the eves of those holidays, which averaged almost one in each week, and the labourer was forbidden to receive more than half a day's wage on every Saturday.[1] Again, when at the option of his employer he received his wages either in money or in corn, a slight deduction had to be made from the apparent amount received by the agricultural labourer. Clothing was expensive, and ale, beer, and fish were relatively higher than at present. The same is true of the rent of cottages, and since the food-procuring value of wages must, on the whole, be reckoned at the price of corn, and this, as already stated, was subject to great fluctuations in value, the agriculturist received for his toil a smaller amount than his descendant does now. The deaths from fever in the Middle Ages give evidence of the physical weakness of the labouring part of the population in England. It is true that the labourer was able to buy a sheep for a smaller sum than he can do now; it is, however, sometimes forgotten that the weight of a sheep was far less, even at the end of the fifteenth century, than it is now.[2]

Before the great pestilence of 1348-9, women employed in agricultural labour received wages at the rate of three farthings or a penny a day. In some parts of the kingdom, however, the wages of women labouring in the fields were much higher than this. They were employed in almost all farm works—in dibbling beans,[3] in weeding corn, in making hay, in assisting

during certain portions of the year. It is doubtful whether this was so to the extent implied in this quotation. "Butter and cheese were at least double the price of meat."—Rogers' *Hist. of Prices and Agriculture*, vol. i., p. 57.

[1] "Labourers shall not take any hire for the holy days, nor for the evens of feasts when they do no labour but till the hour of noon, but only for the half day."—4 Henry IV., chap. xiv.

[2] See Note A at the end of this volume.

[3] McCulloch, in his *Statistical Account of the British Empire* (vol. i.,

the sheep-shearers and washing the sheep, in filling the muck carts with manure, and in spreading it upon the lands, in shearing corn, but especially in reaping stubble after the ears of corn had been cut off by the shearers, in binding and stacking sheaves, in thatching ricks and houses, in watching in the fields to prevent cattle straying into the corn, or, armed with a sling, in scaring birds from the seed or ripening corn, and in similar occupations.[1] When these failed, there were the winding and spinning of wool "to stop a gap." These were the employments not only of the labourers' wives, the wife and daughters of the farmer took their part in all farm works with other women, and worked side by side with their husbands and fathers. After the "black death," women shared for a time in the general rise of wages, and were seldom paid less than twopence for a day's work, a sum not unfrequently paid a woman for her daily work in the fields before the time of the great pestilence. This amount of wages, however, was diminished by one of the statutes of labourers, which required that every woman not having a craft, nor possessing property of her own, should work on a farm equally with a man, and be subject to the same regulations as to wages as her husband or brothers, and like them should not leave the manor or district in which she usually lived to seek work elsewhere.[2] In common with the boys of a family, if a girl had before the age of twelve years put her hand to works of husbandry, she was to remain an agricultural labourer for the rest of her life, and was not allowed to be apprenticed nor to learn a trade.[3] Like the statutes regulating the amount of wages which a labouring man might receive, those regulations, no doubt, were frequently disregarded; on the other hand, they were often enforced.

p. 469, 2nd edit.), says that beans "were then generally sown broadcast." But "in the time of Edward I. and Edward II. they set beans by the hand."—Smith's *Lives of the Berkeleys.*

[1] "A sling for a mother, a bow for a boy."—Tusser, p. 13 (ed. Mavor).

[2] 12 Richard II., chap. iii.

[3] 12 Richard II., chap. v.; 7 Henry IV., chap. xvii.

The wages of an agricultural labourer, man, woman, or child, were directed by act of parliament to be paid daily, or perhaps all that is meant by the statute was that their wages should be paid after a daily, not weekly reckoning. This, as the statute tells us, was to prevent labourers making any claim for payment for labour on festivals of the Church, or for more than half a day's wages on Saturdays and on the eves of other holy days.[1] Tusser recommends the farmer to pay his labourers weekly, and this was probably the rule before his day in dealing with "labourers, carpenters, masons, tilers, plasterers, daubers, coverers of houses," and other workmen, common to town and country.[2] The wages of a servant, whether engaged in husbandry or in personal service and living at the manor house or farmstead, were generally paid monthly or quarterly, and consisted of a fixed money payment, a livery or gown, and a stipulated quantity of corn of various kinds, together with a dole of butter and cheese, the amounts of the various items being regulated according to the rank of the servant in the household or farm.[3] However low the wages of the day labourer were, the piece of ground attached to almost every cottage enabled him to some extent to supplement them by feeding half-a-dozen sheep or pigs on the waste, or by cultivating a small green crop and by rearing poultry which sometimes found a sale, especially when the lord was in residence at the mansion, and his hawks and falcons required barndoor fowls for their food beyond the feudal obligation to send them without payment. The loss of their cottage allot-

[1] "It is ordained that no labourer be retained to work by the week, nor that no labourers, carpenters, masons, tilers, plasterers, daubers, coverers of houses, nor none other labourers shall take any hire for the holy days, nor for the evens of fasts, when they do not labour but till the hour of noon, but only for the half day, upon pain—that any labourer that taketh contrary to the statute shall pay to the king for every time that he doth the contrary, xx^{s}. (£20 of present money)."—4 Henry IV., chap. xiv. See also 23 Henry VI., chap. xii.

[2] "Pay weekly thy workman, his household to feed,
Pay quarterly servants, to buy as they need."
Tusser, p. xxxii.

[3] See Note C at the end of this volume.

ments when the productive powers of the land practically failed for want of manure, and probably also when the custom of enclosing the lord's waste grew common, was severely felt by all labourers and cottagers, and this latter loss necessarily made enclosure unpopular.

The loss of their rights on the common lands and of the pasturage for beasts on the waste would have been greater to the cottagers and the small tenants but for a regulation in force at this time for which it is difficult to account—difficult, indeed, to understand. The labourer was neither to work upon his ground on the festival days of the Church, nor at any time during the night, so that where this rule was enforced he could not cultivate his own land, or at least could earn nothing by his work at "over hours" after the labours of the day on the manor farm were at an end. It was one of the duties of the "autumn bailiffs" to see that this regulation was not evaded.[1]

In the face of these disadvantages it was necessary to prevent agricultural labourers from passing out of the class of the peasantry, and from going to towns and learning a trade. Pains and penalties, imprisonment, the stocks, and burning on the forehead were the punishments to which those who attempted to do this were liable.[2] Stringent laws prevented those who in extreme youth had done any farm work from afterwards learning any handicraft, and that none should be able to plead ignorance as to these disabilities, "the justices of peace throughout the realm two times every year" were to "cause all the statutes of labourers openly to be proclaimed in their sessions."[3] A father, unless possessed of twenty pounds of annual income in land or rent, testified under the seals of three such justices, could not apprentice his son or his daughter to any trade. As this sum was equivalent to more than two hundred pounds a year, no poor man could

[1] Blomfield's *History of Launton*, MS.

[2] 23 Henry VI., chap. xii. "That stocks be made in every town by such occasion betwixt this and the feast of Pentecost."—25 Edward III., chap. ii.

[3] 23 Henry VI., chap. xii.

apprentice his child in a town to learn a trade.[1] The child of a peasant must remain a labourer on the land.[2]

All this was part of the policy which attempted to keep down agricultural wages, and at the same time to ensure a sufficient supply of farm labourers. As the interests of the towns clashed with the demands of the landowners, this law was limited or suspended. It was not to extend to London, where villanage was not recognized and it could not be pleaded in a court of law against any man resident in that city; so that the law which hindered a labouring man from apprenticing his child was inapplicable there.[3] The removal of all such restrictions was needed in London, where the vast disproportion between the deaths and births made the influx of immigrants from the country so necessary that rigid inquiry into their state and means was disregarded. At the instance of the worsted weavers of Norwich, the masters of this craft were exempted from the provisions of the two acts cited, and were allowed to receive apprentices at their will,[4] a privilege extended in the following year to the worsted weavers of the whole county of Norfolk,[5] and thus one exemption after another followed, until, in the reign of Queen Elizabeth, this policy was altogether reversed, and special provision was made for binding poor children apprentices to trades, "till the age of the man-child at twenty-four and of the woman-child at twenty-one."[6] This act of Queen Elizabeth, which was re-enacted in the reign of her successor,[7] repealed, at least by implication, those clauses of former acts requiring that the parents of children to be bound apprentices to trades should be the possessors of landed property.

These laws at the most only checked the labourer from rising out of the sphere in which he was born, they could not prevent it. Some of the copyholders of a manor were still

[1] 7 Henry IV., chap. xvii.
[2] 12 Richard II., chap. v.
[3] 8 Henry VI., chap. xi.
[4] 11 Henry VII., chap. xi.
[5] 12 Henry VII., chap. i.
[6] 39 Elizabeth, chap. iii.; Lambarde's *Eirenarch*, p. 331 (edit. 1614).
[7] 1 James I., chap. iii.

legally bondsmen,[1] though the number of this class had greatly diminished at the end of the fifteenth century. In theory, all the possessions of bondsmen belonged to their lord; this was, however, a fiction which had become obsolete, and there were no hindrances to their amassing wealth for themselves, and advancing their families so that their sons might become knights, captains in arms, or even successful lawyers. Provided that the lord of a manor consented to the ordination of a bondsman's sons, and this he usually did on the payment of a moderate fine, there was no bar to their becoming dignified ecclesiastics, and to taking a place among the noblest of the land, any more than there is now to a poor man's son being so advanced. John Greathead, whom it is the fashion to call Grostête, the illustrious Bishop of Lincoln, was the son of poor parents, probably serfs,[2] and Sir Robert Sale, Captain-General of Norwich at the time of the peasant insurrection in 1381, is said to have been the son of a serf, yet his origin was no hindrance to his rising to offices of great trust, and to his obtaining knighthood during the wars of Edward III.[3]

A Bondman's Career.—Among the papers of the Paston family is a suggestive sketch of the progress of a small agricultural tenant who lived to see his son a successful barrister, and at length a judge, who earned to himself a reputation for integrity, and was known among the people as "the good judge."[4] Clement Paston, the father, was a simple, plain husbandman, who lived upon his land and kept a plough going all the year; in a busy year, indeed, he employed two ploughs. When the grandson of this Clement Paston had made good his position among the country gentry, envious folk reminded him that his grandfather had ridden to the

[1] Fitzherbert's *Surveyinge*, chap. xiii.

[2] "De una gente Southfolciæ originem traxit."—*Nich. Triveti Ann.* (ed. Hog), p. 242. "Genere quidem infimus."—*Chron. de Lanercost*, *s. a.* 1235.

[3] Froissart, tom. ii., p. 114. Walsingham and Knyghton, who give an account of his death, say nothing as to his origin.

[4] *Paston Letters.* See Mr. Gairdner's introduction to Arber's edition of these letters, p. 21.

mill seated on a sack of corn thrown across his horse, and was wont to return with meal "as a good husbandman ought to do." At other times they alleged that he drove his own cart, and sold the produce of his farm at market—in short, had a stall there. He held five score, or perhaps six score acres of arable land, much of it being bond land, for which he might have been called upon to render personal service on the demesne of the lord of the manor. He had, besides this, a small water-mill near the river. "Other livelode nor manors had he none there, nor in any other place." He sent his son to school, though he had oftentimes to borrow the money to pay for the boy's schooling. The father must have been a thrifty and thriving tenant. When the schooldays of the son were over, he was sent to London, and, by the aid of his maternal uncle, paid his fees and was entered at an inn of court, and in due time was called to the bar and obtained a good practice.[1] In 1421 he was made a serjeant at law, and appointed steward to the bishop of Norwich; in 1429 he was raised to the bench, and, though his mother was a bondwoman, yet the son married the heiress of a good county family.

In his own days William Paston was known far and wide as a "cunning man in the law," and a successful barrister. He obtained a reputation for ability as a lawyer which extended beyond his lifetime. He was knighted, and at his death left two daughters married into good old county families, so that his descendants were soon absorbed into the ranks of the gentry of Norfolk. In this statement of the rise of Judge Paston there is perhaps some exaggeration, but, be this so or not, the career of Clement Paston's son is not only creditable to himself and to his father, it is an illustration of what might possibly or even probably be attained by the son of one in servile condition even in the early days of the fifteenth century. But though this

[1] As the expense of education at an inn of court was equivalent to about four hundred and fifty pounds a year, money of present value, the students were sons of the wealthy gentry, "those of an inferior rank not being able to bear the expense of maintaining and educating their children in this way."—Fortescue, *De laud. legum Angliæ*, cap. xlix. (ed. Amos).

was so, it was not regarded with popular approval. Even the poet of the people complained that bondmen rose to stations of eminence, and that—

> "bondmen's sons have been made bishops,
> And bastard sons have become archdeacons,"[1]

as though the world had gone mad, and society was about to be overturned in consequence. The same complaint occurs in the writings of the satirist of the closing years of the fifteenth century.[2]

Taxation.—Though at various times during the war with France Englishmen grew impatient at the heavy taxation which was laid on this country to defray the cost of the armaments which landed in France, the war itself was popular with almost all who could influence the direction of politics by their opinions. People clamoured, indeed, after every short period of peace for a renewal of hostilities. The prospect of a campaign, and of the plunder which resulted from it, stilled the murmur of party against the sovereign and his advisers. War was resorted to then, as it has been frequently since, to divert attention from home politics. At first taxation had been limited to landed possessions, but as the value of land diminished, the expenses of the war were defrayed partially, and at length chiefly, by the fifteenths levied almost annually on the rural population, and by the tenths raised from the inhabitants of the corporate towns. The assessment for these taxes was settled in 1332, and was considerably heavier than any previous levy had been, which we are told "gave rise to considerable complaints."[3] When the prospect of war was

[1] *Piers Plowman's Vision*, passus vi., line 90.

[2] Skelton in his *Colyn Cloute* speaks of those who—

> "Brought up of poore estate
> With pryde inordinate,
> Sodaynly upstarte
> From the donge carte,
> The mattocke and the shule [shovel],
> To reygne and to rule."
>
> Skelton's *Works*, edit. Dyce, vol. i., p. 335.

[3] Dowell's *History of Taxation in England*, vol. i., p. 97: "In the aggregate the sums amounted to between £38,000 and £39,000, and

sudden, and the delay caused by the necessity of an assessment to determine the value of the movables on which these taxes were to be levied would have been inconvenient, a poll tax was granted by parliament. This was levied for the first time in 1377, and consisted of a charge of one groat for everyone above the age of fourteen years. This was succeeded by a graduated poll tax in 1379, and by another one granted in 1380. In 1381, on occasion of the latter levy, the discontent of the people burst forth and caused the insurrection of Wat Tyler, and afforded a warning to the king and his advisers against a renewal of the obnoxious tax.[1] Except on one or two rare occasions, when it was graduated according to the wealth of the persons from whom it was levied, a poll tax was not afterwards resorted to. As the taxes were levied with great strictness, and were raised from all classes, however poor, except from notorious and privileged beggars, it required all the popularity of the war against "our natural enemy" to make them tolerable. A fifteenth on the rural, and a tenth on the urban population, that is, a tax of 1*s.* 4*d.* and of 2*s.* in the pound, levied on all the movable possessions of the taxpayers, would be considered excessive at the present or at any other time. It frequently happened in those days that this tax rose to a fifteenth and a half, or a tenth and a half yearly, or even to more than these sums. In 1382, the year after the insurrection of the copyholders, the landowners took upon themselves the whole burden of the fifteenths and tenths. These taxes were graduated according to the rank and possessions of the large holders of land. This they consented to "for the reverence of God and for the support, aid, and relief of the poor commonalty, who appeared to be weaker and poorer than theretofore." It was stipulated, however, that this act of the

henceforth a fifteenth and tenth was practically a fiscal expression for a sum of about £39,000." "This sum, however, was often reduced by remissions to empoverished towns and districts of counties, unable to contribute their quota of taxation."—*Ib.*, p. 122.

[1] For the various modes of levying these poll taxes, see *Rolls of Parliament*, Cotton in *Abridgment*, under these years, and Dowell's *Hist. of Taxation*, vol. i., book v., chap. i.

large landowners was not to be taken as a precedent for charging them "thereafter otherwise than they formerly had been, and ought reasonably to be charged."[1] Next year this income tax was levied after the ordinary method, from the whole nation "in the ancient manner." In 1404 a new tax on land was discussed and probably voted by the upper house of parliament, the members of which it solely affected.[2] Over and above these, there were the "benevolences," which, though the name implied voluntary contributions, as they were at the first, had soon after their introduction hardened down to an exaction which could with difficulty be evaded. This tax was demanded only from the wealthy, and depended, at least as to its amount, on the personal popularity of the sovereign. The reputation of Edward IV. for gallantry and his good looks are commonly said to have secured him the favour of the wives of the citizens of London, whilst the influence of these dames with their husbands unlocked the treasures of the citizens and procured him substantial contributions, more grateful because they were not dependent upon the votes of parliament.

These "benevolences" were not confined to the king's subjects. In 1415 a demand for a benevolence was served upon the foreign merchants: Florentines, Venetians, and the traders from Lucca. These pleaded their privileges as aliens, but pleaded them in vain; they were told that they must comply or go to prison. These traders preferred the latter, probably thinking that the threat would not be carried out. If they thought so, they were undeceived in this. They were duly committed to the Fleet, when they paid their share in this kind of taxation.[3]

The "benevolences" procured from the citizens and others by these means chafed the spirit of the donors, and the exaction —for it was felt to be an exaction—was so unpopular that Richard III., though in want of money, was driven to abolish

[1] *Rolls of Parliament*, vol. iii., p. 134.
[2] Stubbs' *Constitutional History*, vol. iii., p. 46.
[3] *Proceedings and Ordinances of the Privy Council*, vol. ii., pp. 165, 166.

it by an act of parliament which reads like a proclamation. It says that "the king, remembering how the commons of this his realm, by new and unlawful inventions and inordinate covetise against the law of his realm, have been put to great thraldom and importable charges and exactions, and in especial by a new imposition called a benevolence, whereby diverse years the subjects and commons of this land against their wills and freedoms have paid great sums of money to their almost utter destruction. Therefore, the king wills it be ordained that such exactions be taken for no example to make such or any such like charge of any of his said subjects hereafter, but it shall be dampned and annulled for ever."[1] In defiance of this act, however, a "benevolence" was found so convenient a way to replenish the royal coffers when exhausted, that, illegal as it had become, it was more than once resorted to after the passing of this act, though the attempt was not always successful.[2] Tonnage and poundage, the taxation on imported goods, and on the exported staple articles of commerce, wool, woolfells, and leather, to which was afterwards added woollen cloth, were voted by parliament to the sovereign, sometimes for two or for three years, and sometimes for the lifetime of the king.[3] The grant, however, of a fifteenth or a tenth was usually made from year to year, and when these taxes failed to supply the needs of the sovereign, the commons supplemented them by a subsidy of sixpence or a shilling in the pound. In addition to these royal taxes there were local rates and labour obligations with fines and licences to be paid at the manorial courts by the

[1] 1 Richard III., chap. ii.

[2] For an account of an abortive attempt, in 1525, to procure a "benevolence" under the name of "an amicable loan," see Brewer's Introduction to *Letters and Papers, Henry VIII.*, vol. iv., p. lxxiv., or his *Reign of Henry VIII.*, chap. xxii.

[3] 21 Richard II., "The commons, by the assent of the bishops and lords, granted to this king during life the subsidy of all *staple ware*."—Cotton's *Abridgment*, ed. Prynne, p. 374. 4 Henry IV., "The commons, by the assent of the bishops and lords, granted to the king the subsidy of wools, woolfells, and skins for three years."—*Ib.*, p. 418.

tenants. The king drew largely from the fee farm rents of the manors, forests, and other estates which belonged to the crown.[1] These were used chiefly for the maintenance of the royal household, and to defray the domestic expenses of the court. The royal property had, however, become so diminished by grants made at various times to partisans, especially since the usurpation of Henry IV., that the crown would have been altogether deprived of this kind of property had it not been for the escheats and forfeitures with which days of civil strife so largely increased the king's treasury.[2]

Land Tenures.—The possessors of the old allodial lands before the Conquest gave place to free socage tenants under the first Norman kings. When the payment of scutage superseded the personal services which tenants of the crown had been accustomed to render, the manor tenants paid their share of what was levied on the lord, and commuted the old feudal aids they had formerly paid by a fixed rent for their land—a rent of assize.[3] Though rents and all other matters connected with the tenants or occupiers of land varied in different parts of the country, rents were usually paid once a year, or else on the four quarter-days, together with a stipulated sum less than the quarter-day rents on St. Martin's day, November 11, the day when beasts were slaughtered for winter use.[4] As much of the land of a manor formerly held

[1] Even in 1792, Mr. St. John (*Observations on the Land Revenue of the Crown*, p. 182), gives a list of twelve forests which were reputed to have preserved their *jura regalia*, *i.e.*, the jurisdiction, laws, courts, officers, game, and boundaries, together with ninety-eight forests and chases from which a revenue was derived to the crown.

[2] See Stubbs' *Constitutional History*; Sir John Sinclair's *Hist. of the Public Revenue*, vol. i.; Dowell's *History of Taxation*, vol. i.; Davenant on *Resumptions*.

[3] "Rents of assize are the certain rents of freeholders and ancient copyholders, because they be assized and certain, and doth distinguish the same from *redditus mobiles*, farm rents for life, years, or at will, which are variable and uncertain."—Coke's *Second Institute*, 19.

[4] This was a great feast time, answering to the harvest home of our days. Be the reason what it may, the existence of this fifth rental day, and the inferiority of the amount tendered on St. Martin's day to that paid on the

by base service was, on the failure of bond tenants, now occupied by farmers as free tenants, it is probable that this St. Martin's rent was the acknowledgment or rent paid by such tenants for this kind of land. In some parts of England, chiefly perhaps, but not exclusively, in the northern districts, a present to the lord over and above the rent was covenanted to be given, and was paid a little before Christmas. This consisted of a fixed quantity of oats, probably for malting and to be used at Martinmas, or of sheep or poultry to be consumed at the Yule feast, at which the lord and his tenants sat down together. This present was known in the north by the name of canage.[1] Thus, in the manor rolls of Ashton-under-Lyne, in the time of Henry VI., are found such notices as, "Rent, thirty-eight shillings and two pence, and at the Yule a present to the value of sixteen pence;" "Syssot, for a house and garden at the mill, she shall shear four days in harvest, and shall give a principal at her dying, and for her term she shall pay two shillings and a present at Yule to the value of four pence." [2]

Lands rented to free tenants were held "at will," meaning by this, as already mentioned, not that the tenant held at the will of his lord, but by tenant right, or at his own will, so that he might give up the land at his own pleasure, and not be bound to keep possession of it. Up to and before the time when land became valuable to a tenant, the lord made every effort, and held out various inducements to the tenant, to persuade and almost to compel him to take and keep posses-

four usual quarter-days, are evidenced in most rentals in 1438. At Launton, Oxfordshire, the account stands thus at Michaelmas, Christmas, Easter, and St. John the Baptist, 54*s.* 2¾*d.*, on St. Martin's day, 35*s.* 9*d.* In another account a tenant paid 15*d.* on the first four days, and 12*d.* on St. Martin's day. In wages there is the same distinction,—a carter received 15*d.* on the four quarter-days, and 12*d.* on St. Martin's day.

[1] See Dr. Hibbert Ware's *Memoir on the Manor of Ashton-under-Lyne.* *Can*, "customs or rents paid in kind. Cain fowls are sometimes called Reek hens—one payable from every house that reeked—every fire house." —Innes' *Scottish Legal Antiquities*, p. 204.

[2] "Up to Yule aforesaid a present to the value of 20[d]."—Dr. Hibbert Ware's *Memoir on the Manor of Ashton-under-Lyne*, p. 4.

sion of the fee simple of the land and become responsible for the rent of assize due to the lord.[1] The money rent was of less value than the labour rents and the fines and fees paid at the manor court. In the north of England, and formerly in other parts of the country, until long after the close of the Middle Ages, the tenant could sublet his farm, could divide it by will, and even sell his interest in it.[2] At the end of this century the custom had not expired of the tenant renting the live and dead stock of the farm. This practice was a very ancient one, and was common in this country before the Norman Conquest. It was known indeed from remote antiquity in Germany. When the stock, live and dead, was let with the land for a term of years, the value of every item of such stock was noted on the lease, and the tenant was bound to return the dead stock in as good condition as he had received it, and the live stock to the same number they were when the lease was given, or to pay the value of what was wanting.[3] The leasing of cattle with the land on which they grazed was continued in various parts of England down to a recent period.[4] Lands were leased sometimes for the tenant's life, sometimes for a longer or shorter period of years, for seven, twelve, twenty, and twenty-five years, or for the long period of eighty or ninety years. The earliest lease which has been preserved and of which we have any notice is one in the first year of Edward I., although there are probably earlier leases; after that time they became common.[5] Many of these early leases were for long periods. A lease still remains of the thirty-second year of

[1] Thomas, the second Lord Berkeley (temp. Edward I.—Edward III.), "to encourage persons to take lands in tail, gave leave to them to have marl out of his pits, and earth from the green highways, and liberty of enclosing, and severalty."—Smith's *Lives of the Berkeleys*, p. 107.

[2] See in Marshall's *Agriculture of Yorkshire*, vol. i., p. 23; Elton, *On the Law of Copyholds*, pp. 6, 47.

[3] Innes' *Scottish Legal Antiquities*, p. 245; A.D. 1410, lease in Cullum's *Hawsted*, p. 226; Rogers' *Hist. of Prices and Agriculture*, vol. i., p. 24, vol. iv., p. 127; *Sixth Report Commiss. on Hist. MSS.*, p. 291.

[4] Morgan's *England under the Normans*, p. 79.

[5] *Sixth Report of Hist. Commiss.*, p. 421; one in 1277 occurs in same report, p. 291. In Scotland the earliest lease known to Mr. Cosmo Innes

Edward I., and another of the second year of Edward III., which have not much more than half expired at the present moment, unless it may be from default; they were granted for one thousand years.[1] An undertaking to repair the tenements, with a right of re-entry on the non-performance of the covenants of the lease, and powers of distress for the non-payment of rent, occur at an early period.[2] By a statute of the sixth year of Edward I.: "If land be let on lease with a rent of money, or rent of kind 'in meat or in cloth,' and the farmer fail to pay, and from having no crops on the land there is nothing to distrain, then the landlord may sue for the surrender of the land. And if the tenant come into court and pay the arrears and expenses, he must find surety for the future payment, but if he fail to pay the arrears before judgment, then his lease is cancelled." Here it is clear that at this early date the landlord had not power to remove his tenant except from default of the payment of his rent, and even then only by process in a court of law.

It was not until the reign of Henry VIII. that the fee simple of land could be devised by will. By an act of parliament passed early in this reign, a portion of such lands was allowed to descend by will, and eventually by a later act a man was permitted to devise the whole of his landed property in this way.[3] At the middle, as at the close of the fifteenth century, the usual value of land for sale seems to have been about twenty years of the estimated rental, as it continued throughout the next century, but on this there was no precise rule; there could, indeed, be no rigid rule, land then as now bore a higher or lower price according to its position near a town, on a high road, or because of other advantages.[4]

(*Lecture on Scottish Legal Antiquities*, p. 248) was in 1312, "two years before Bannockburn."

[1] *Fifth Report of Hist. Commiss.*, p. 508; *ib.*, *Eighth Report*, p. 262.

[2] Gough's *Camden; Sixth Report Hist. Commiss.*, p. 537.

[3] 32 Henry VIII., chap. i.; Blackstone's *Commentary*, vol. ii., p. 12 and Professor Christian's note.

[4] In 29 Henry VI., Sir John Falstoff says with reference to some land

Tenant Farmers.—Whilst agricultural labourers, who depended upon their daily wages for the support of themselves and their families, were suffering from the various statutes of labourers, from the increasing sterility of the soil, and from war, the tenant farmers of England, who on the whole were less affected by foreign war than either the landowners or the agricultural labourers, were rising as a distinct and important class in the community. The old free tenants, who originally held their lands on the tenure of military service under the banner of their lords, had long since commuted their personal services for a stated quit rent, and had in most cases become extinct during the frequent wars, pestilences, and famines, which marked our history from the death of Edward I. to the death of Richard III. and the end of the line of the Plantagenets. The escheats, which, through the death or forfeiture of the freeholder, had greatly diminished the number of these holders, had largely increased the extent of the demesne lands of the lords. Again, land was of so little worth, except for the dignity conferred by its possession, and for the number of retainers it would maintain to support that dignity, that when there was no honour attached to mere land, and retainers were discouraged and liveries forbidden, it was but lightly esteemed, except for the money rental it returned, and this in the case of arable lands was inconsiderable, so that its pos-

he was asked to sell, "I will not sell it less than after the value of xx yere, as it maketh clearly in value now."—Blomefield's *Hist. of Norfolk*, vol. iv., p. 389 (2nd edit.); *Plumpton Correspondence*, p. 221; Ellis' *Orig. Letters*, 3rd series, vol. iii., p. 270. In 1471, Sir Harry Stafford left by will "to buy twelve marks (£8) worth of livelihood for the year for an honest and fitting priest to sing for my soul for evermore, £160" (*Test. Vet.*, p. 324). A century after this Sir Thomas Gresham speaks of land "the value of which is a hundred and fifty pounds by the year," and offers it "after the rate of twenty years' purchase."—Burgon's *Life of Gresham*, vol. i., p. 37; *Paston Letters*, vol. i., p. 94. For value at later periods to this, see *Bury Wills* (Camden Soc.), p. 198; Smith's *England's Improvement Revived*, p. 17. In the beginning of the eighteenth century (1719), the value of the whole of the lands of England and Wales was estimated at eighteen years' purchase.—App. to second edition of Sir Wm. Petty's *Political Survey of Ireland*, p. 5.

session was not much valued. Movables were reckoned more valuable than land.[1] Trade was growing more attractive and more gainful, especially the trade in wool, and land was let to a farmer with a view merely to the rent to be paid by him, but free from the more burdensome services rendered by the old tenants. The tenants of the fifteenth century held usually at will, and could, at least in some part of the country, bequeath their tenancies, or sell and transfer them in their lifetime, and as the rental, even after the improvements of agriculture, remained often at the old sum paid in earlier times, these tenancies possessed many of the advantages of freeholds.[2] They probably, indeed, represented the old freeholds created at the time manors were established, but which in the fifteenth century had mostly sunk into yearly tenancies held at the will of the lord. The condition of the new tenants may best be understood by an examination of the graphic picture which we possess of one of these tenants and his household.[3]

At the beginning of the sixteenth century, the son of a Leicestershire farmer has sketched for us the picture of his father's condition. Preaching before Edward VI., Bishop Latimer thus describes his father and his father's farm before the year 1500: "My father," he says, "was a yeoman, and had no lands of his own, only he had a farm of three or four pounds by year at the uttermost, and hereupon he tilled so much as kept half-a-dozen men. He had walk for a hundred sheep, and my mother milked thirty kine. He was able and did find the king a harness, both himself and his horse, while he came to the place that he should receive the king's wages. I can remember," continued the preacher, "that I buckled his harness when he went unto Blackheath field. He kept me to school, or else I had not been able to preach before the

[1] "The common opinion is thus: he is worth no more than that he hath in cattell."—Chaucer's *Testament of Love*, book i., § 5.

[2] See note 2, p. 232.

[3] *First Sermon preached before Edward VI.* (*Sermons*, Parker Society's edit., p. 101).

king's majesty now. He married my sisters with five pounds or thirty nobles apiece, so that he brought them up in godliness and fear of God. He kept hospitality for his poor neighbours, and some alms he gave to the poor, and all this he did of the same farm."

We gather from this that the father of Hugh Latimer rented a farm of several hundred acres of land, arable, pasture, and waste, probably between four and five hundred acres,[1] for he was, as Foxe tells us, a husbandman of a good and wealthy estimation.[2] He kept half-a-dozen labouring men on his farm, besides female servants. He had a hundred sheep on the waste, and thirty cows which his wife and daughters milked. In addition he had oxen for ploughing, and horses for riding to market and elsewhere; on one of these, indeed, he rode to Blackheath, where, however, he fought, like other yeomen, on foot.[3] His son was sent to school, and from thence, when fourteen years old, to the University of Cambridge. His school education must have been good and solid, for he was chosen Fellow of Clare Hall whilst yet an undergraduate. His sisters on their marriage received each five pounds, that is, at least as much as sixty pounds the present value of money, and more than the yearly rental of the farm. The old man was hospitable to his poor neighbours, and gave his alms to the needy, whilst, with the recollections of the crowning victory of Bosworth in his neighbourhood, and of Blackheath field, where he had served under the banner of the king, he took care that his son, scholar though he was, should

[1] Mr. Rogers (*Six Centuries of Work and Wages*, p. 445) says: "His father had a farm of £3 or £4 a year, that is, according to the regular rents of land at the time, of from 120 to 160 acres arable, with considerable communal rights of pasture." Probably it is more correct to estimate the quantity of arable land at about 200 to 250 acres, and that with the pasture and waste it must have reached at least 450 acres.

[2] Foxe, *Acts and Monuments*, p. 1297, edit. 1563.

[3] Mr. Rogers says, "served on summons as a mounted yeoman" (*Six Centuries of Work and Wages*, p. 445). But what Bishop Latimer says is that his father found his horse "while," *i.e.*, until, "he came to the place that he should receive the king's wages," *i.e.*, the battle-field. Until is still the meaning of the word "while" in a great part of England.

be early trained to the proper use of the bow,[1] which was the national weapon of the day, though it was already beginning to be neglected by the gentry.[2] That is probably a fair picture of the daily life and occupations of a large part of the tenant farmers of England, or at least of the upper class of the tenant farmers, in the reign of Henry VII., the closing years of the fifteenth century. Beyond the alarm and the injury caused by the private wars of the period there were little grounds for fear. Farmers had recovered from the direct effects of the long war with France, and had been out of reach of the civil strife of the Roses, at least beyond the reach of any injury from these wars, except that which an occasional march of troops over their lands might cause once in a lifetime, evil soon done and soon forgotten, a trampling down of a wheat crop and a robbery of the poultry yard, and little beyond. More than this, their sons and daughters grew up to be farmers and the wives of farmers, out of reach of the corruption of a large town and the evil influence of such a court as that of Edward IV., about which they might sometimes hear a vague report, but of which, in the absence of newspapers or of news-letters, which did not reach them, they had no demoralizing knowledge.

Political Condition.—If from the purely social state of the labouring classes, especially of those engaged in agriculture, we turn and examine into their political and economical condition, we shall find it was not more satisfactory than their social state had become at the end of the Middle Ages.

The manor courts no longer occupied that place in the constitution of the country which they had possessed at the

[1] "He taught me how to draw, how to lay my body to my bow, not to draw with strength of arms, as other nations do, but with strength of the body."—*Sermons*, p. 197. See Elyot's *Governor*, book i., chap. 27 (p. 82, edit. 1565).

[2] "He shot like a gentleman fair and far off."—Ascham's *Eng. Works*, p. 158 (ed. 1815). See Fortescue on *Absolute and Limited Monarchy*, chap. xii.; Wright's *Songs and Carols*, iv. (1836). More than a century after this, men still looked forward to the restoration of the bow as the national weapon.—Daniel's *Civil War*, lib. viii., st. 18.

first, and the copyholders or villain tenants had no longer the share in the political and local administration which fell to them when the manor and county courts were in their vigour.[1] Parliament and the king's courts at Westminster or on circuit were every day concentrating more and more of the legislative and executive business of the country in their hands. Parliament now originated, examined, and if it so willed passed bills for the making of roads, the paving of streets, and the building of bridges. It prescribed the prices of articles of food, and attempted to correct the dishonesty of the village tradesmen, and to regulate, so far as it could, the social intercourse of the various classes in the kingdom, whilst the king's courts of law and equity had engrossed much of the legal business of the nation formerly transacted in the local manorial and county courts. The attention of parliament was no longer confined as at the first to the "general affairs" of the nation, but embraced also minute local wants and interests, which could only be perfectly cared for and carried out by means of the local knowledge possessed by the suitors in the courts of the manor, and those of the shire or county. Independent of other disadvantages from the usurpation by parliament of the functions of the local courts, the villain or copyholder was deprived of that share in the administration of the country which he originally possessed as a suitor in the customary courts of the manor on which he lived, and had now no share in the election of a member of the parliament at Westminster.[2] The increased power of the House of Commons had been acquired at the expense of individual liberty and of local government.

The labourers who were not copyholders suffered from the withdrawal of business from these courts. Had the legislative functions of the manor courts still continued in activity the op-

[1] See at p. 16.

[2] By statute 8th Henry VI., cap. vii. (A.D. 1429), electors of members of parliament were required to possess land to the annual value of forty shillings. In the customary court of the manor every tenant was a suitor or member.

pressive statutes of labourers would probably never have been enacted. By these statutes the labourer was in 1500 still compelled by law to receive wages for a day's work as low or even lower than he had received a century and a half before the beginning of the fifteenth century. If he accepted higher wages for securing the fruits of the harvest, the lord who had paid such wages in order to procure the necessary assistance could inform against the labourer and compel him to refund the excess which he had received. To secure the necessary evidence against the husbandman, the second statute of labourers freed the giver from the punishment directed by the first statute of labourers to be meted out both to the giver and the receiver of the higher wages,[1] and enabled him to give evidence against the labourer to whom he had made the illegal payment. When this statute failed to prevent the labourer receiving higher wages than were prescribed, since the needs of the farmer or landowner compelled him at some seasons of the year to offer more than the legal wages, the penalty was again imposed upon both offenders, the giver as well as the receiver of the wages.[2] To emphasize the unfairness of these acts, if the usual rate of payment for farm work had been higher before 1350 than the act prescribed, the landowner was permitted to compel the labour of the husbandman for such lower wages as a justice of the peace might deem sufficient.[3] It was not in human nature but that these acts should have been oppressively enforced against the agricultural labourer. The wife or daughter of the labourer was in like manner compelled to work in the fields for less money than she had hitherto received, and less than what she needed for her subsistence. Though the wages of the husbandman and rural artificer were limited by these acts of parliament to the smallest sum of money which the need of the labourer

[1] See Analysis of Statutes of Labourers in Note B at the end of this volume.

[2] 23 Edward III., stat. ii., chap. v.

[3] "Less in the country where less was wont to be given, without meat or drink, or other courtesie to be demanded, given, or taken."—25 Edward III., stat. ii., chap. i.

seemed to require, the landowner was permitted at his option to pay either in corn or in money, so that the labourer reaped but little advantage from an occasional year of plenty. Corn was rarely for any length of time so dear as six shillings and eightpence per quarter, but the peasant was compelled to receive it at this rate. Should corn, however, be dear, then the farmer would pay his labourer in money.[1] The chantry priest and the chaplain or curate ministering in a parish church came under the regulations of these acts of parliament, and were bound to perform all their spiritual duties for the same wages, for they were labourers who should be content with their hire.[2] The better to ensure the working of these statutes, sharp, severe punishments were directed to be enforced against those who tried to procure a better subsistence by obtaining work in places remote from their own homes. The law of settlement as established by the acts passed in the reign of Queen Elizabeth was not a new engine of oppression contrived against the husbandman, but a relaxation of the old and harsh provisions of the statutes passed for the regulation of the labourers in agriculture.

These Statutes of labourers were no doubt frequently evaded. The necessities of the farmer and his need for help could not be entirely controlled by acts of parliament. Great precautions, however, were taken to prevent them from remaining a dead letter on the statute book. So rigidly were they guarded that landowners were forbidden to give alms to the poor on their estates, even in times of sickness, lest under cover of these alms they should really be supplementing the wages of their labourers. The duty of examining into the truth of any charges of offending against these statutes might seem to have belonged to the manor courts where the reality of the sickness or dire need

[1] "In the country, where wheat was wont to be given, carters, ploughmen, shepherds, and all other servants shall take for a bushel tenpence or wheat at the will of the giver."—25 Edward III., stat. ii., chap. i.; 12 Richard II., cap. iv.; 23 Henry VI., cap. xii.

[2] 36 Edward III., stat. i., chap. viii., had fixed a chaplain's or curate's stipend at 5 or 6 marks, raised by 2 Henry V., stat. ii., chap. ii., to 7 marks, or by licence of the ordinary to 9 marks.

of the labourer would have been known. As, however, a conviction in the court of the manor might under these circumstances have been difficult, justices were specially appointed to deal with all infringements of these acts of the legislature, and inquiries were from time to time directed to be made in town and country as to any higher payments made to labourers and artisans than were prescribed by these statutes.[1] The authorities of the trades guilds in the towns did their part to see that journeymen did not receive more than the statute directed, and with strict impartiality fined the masters for paying more than they ought and the workmen for receiving higher wages than the statute had fixed, and then handed these latter over to the mayor and town council to be dealt with according to law and reason.

Though the manor courts were still active at the end of the fifteenth century, they were chiefly taken up with the care of the land, with suits for the admission of tenants to the copyhold, and for the protection of the commons and wastes from pasturing an undue number of the cattle of the manor tenants, or from the trespass of beasts not belonging to the tenants of the manor, but sent to graze on the common by those who had no manorial rights. The reeve or hayward, and, in the absence of offences which he was appointed to check or to punish, the ale-taster, came into the customary court with complaints of such encroachments of cattle sent on the land before Lammas-tide, of diseased cattle turned out on the common to the danger of beasts which were sound,[2] of pigs allowed to go into the pasture grounds unringed,[3] of wood,

[1] London, 1339—"Inquest to inquire if any man pays or gives as wages unto masons, carpenters, daubers, tilers, or unto any other labourers whatsoever more than is ordained."—*Lib. Albus*, p. 260, &c. (Eng. trans., pp. 228, 288.)

[2] "3 Henry VII. The homage present . . . that all the tenants on Wimbledon have a day to remove beyond the common there all mangy horses and mares within six days . . . under penalty of 2s. each offender." —*Wimbledon Court Rolls*, p. 49; Hunter's *Hist. South Yorkshire*, vol. ii., p. 10.

[3] "14 Henry VIII. Ordered that all the inhabitants of Wymbuldon

thorns, and furze cut beyond the needs or rights of the tenants, of sand and gravel dug, and of turfs pared from the waste without licence, or beyond the quantity to which the tenant was entitled. Till long after this time rigid inquiry was made as to dogs kept for poaching by those who had no land of their own to justify their keeping them,[1] and as to tenants who had in violation of manor law driven their sheep at night to lie on their own lands and not on the lands of the demesne, or who had subjected themselves to a fine for not grinding their corn at the lord's mill,[2] or for selling bread which they had not baked at the lord's oven, for long after the tenant might bake bread at his own oven if it were for his own use, he was compelled to bake at the lord's oven, and pay for doing so, if the loaves were intended for sale.[3] These breaches of manorial law, and contentions about the election of reeves, headboroughs, woodwards, beadles, ale-tasters, shepherds, and such like officers, comprised the chief part of the business of these courts.[4] By the close of the fifteenth century some of these offices must have become nominal, or at least honorary. In the manor rolls of Wimbledon in the time of Edward IV., not only does the name of the Dean of St. Paul's appear among those who were elected reeves of this manor, but the names of women who were elected headboroughs and beadles, and took the required oath and to

shall ring and yoke their pigs before the feast of St. Martin, under penalty of each pig, 12d."—*Wimbledon Court Rolls*, p. 79 ; Hunter's *Hist. South Yorkshire*, vol. ii., p. 10.

[1] *Wimbledon Court Rolls*, pp. 37, 51.

[2] "The ancient penalty of a mark for carrying corn out of the town to be ground elsewhere than at the lord's mill was increased to £5 at the court, Oct. 5, 1546."—Hunter's *Hist. of South Yorkshire*, vol. ii., p. 10.

[3] 1500. "At Rotherham there was a common or lord's bakehouse, at which the indwellers were to bake their bread, except what was wanted for their own families."—Hunter's *Hist. of South Yorkshire*, vol. ii., p. 10.

[4] It was sometimes a special privilege of a town that no one should be required to fill the office of a reeve or bailiff unless with his own consent. —Smith's *Lives of the Berkeleys*, p. 40. At Hastings, however, when a man had been elected to the office of bailiff, and refused to undertake the duties, his fellow-townsmen resented this refusal by beating down his tenement.—*Custumal of Hastings.*

some extent at least performed the duties of such offices.[1] Many of these customs, though they differed in different manors, and though the suitors in the manorial court had still most of the legal rights they possessed in the thirteenth century, had become obsolete, and the manor court was in the fifteenth century chiefly employed in considering claims which related to the soil, and took less account of the social conduct of those whose names were entered on the roll of the manor than it used to do in earlier days. When the old system of "frank-pledge" had been laid aside, there were no longer grounds for the same kind of supervision as under the old system, because there was not the same mutual responsibility as formerly.[2]

Home Life.—Most of the articles needed by the peasants for food, clothing, housing, and for making and repairing the simple agricultural implements they used, were produced, if not by themselves and the members of their households, yet in the place where they dwelt. In almost every village where the soil permitted, flax was raised for the hall and hemp for the coarse underclothing—the sackcloth of the peasant—and wool was spun and woven, and the cloth completed for clothing. Corn for the peasants' food was grown in the fields around his village, and was ground at the manorial mill near the spot where it was reaped, and was baked, if not in his own oven, then in that belonging to the lord of the manor.[3] Small mills, one for flour and another for the fulling of cloth, stood in most of the rural

[1] *Wimbledon Court Rolls*, pp. 13, 32.

[2] See Fitzherbert's *Surveyinge;* Coke on Littleton; Jacob's *Complete Court Keeper's Assistant;* Watkins on *Copyholds;* Scriven on *Copyhold;* Elton's *On the Law of Copyholds and Customary Tenures.*

[3] This was the almost invariable rule, "no one shall grind wheat or other grain in hand-mills unless through urgent need. The miller must have his share, the thirteenth part for grain, and the twenty-fourth for malt."—*English Gilds*, p. 342. In Blount's *Tenures*, it is provided that "We will that all our aforesaid burgesses, their heirs and assigns, resident within our towns, who have not their own oven, shall be bound to bake in one common oven of the same town, paying the person occupying the said oven, for every London bushel, one halfpenny, and so only for every bushel."—(Edit. Hazlitt), p. 163.

districts and at a convenient distance from the labourer's home.[1] There also barley was sown, reaped, malted, and brewed into ale or beer for his drinking. If he or any of his family were sick, the herbs which grew by the copse side, on the common, or in the ditches close to his door, supplied the simple medicines on which he relied.[2] In the long winter evenings, when farm labour was almost at a stand-still, the husbandman found occupation under his own roof in fitting and repairing the simple gear of his plough and harrow.[3] As roads were becoming every day more impassable from neglect, it was necessary that the labourer, if he travelled far from his own door, should ford the streams and torrents over which there were few bridges, or that he should pay the charge at the ferry, which he could but ill afford. These obstacles hindered much intercourse between distant towns. There was but little division of labour in these villages, though when we pass beyond the bounds of the village and of rural life we are struck with the excessive subdivision in the retailing of goods.[4] This is especially observable towards the close of the Middle Ages. It was prescribed—for it was regulated by law—in order to check, if possible, the dishonesty of the age, and to ensure to the purchaser the benefit of fair dealing. Gradually the manufactures of wool and of flax was withdrawn to the towns, only, however, because there was a greater demand for the sale of such goods in the midst of the larger population which had gathered within the walls of these towns, and because the municipal authorities refused to permit the sale of cloth which was made outside their bounds.

[1] In 1268 at Hitchin in Hertfordshire is a notice of a mill for grinding oak bark.—*Inq. post mortem*, 53 *Hen. III.* See Bulleyne; Gerarde's *Herbal*, *passim*.

[2] "In case of necessity, let the poor woodman consult his oake, and his elme, birch, or elder for a short breath, a green wound, or a sore leg, casualties incident to this hard labour."—Evelyn's *Sylva*, Introduction.

[3] Fitzherbert's *Husbandry*.

[4] No baker who made white bread could make or sell brown bread. This was a rule of trade in other countries as well as in England.—*La Vie Municipale au XV. Siècle dans le Nord de France*, p. 73.

The Poor.—In Sir Thomas More's description of the condition of the peasantry already cited there is one point on which a few words must be said in this place, whilst reserving the fuller consideration of the condition of the pauper class to another chapter. He remarks that the wages of an agricultural labourer yields no "overplus that may be laid up for the relief of old age." What became of old age under this condition it is difficult to say. A few old persons obtained shelter and food in some of the hospitals or almshouses which had been founded for the relief of decrepit and destitute age, though these retreats were few in number and were more applicable to the poor of the towns than to the rustic poor. Other aged folks were dependent upon their children, whose scanty wages, however, did not enable them to afford much help to their aged parents; others yielded to their "miserable cares and troubles," and died from want. As many of the poor of the towns came from Ireland these settlers had but a slight chance of being received into the hospitals or almshouses endowed for the poor townsfolk, and limited to their reception.[1] It may be hoped that the charity of those who could aid was exerted for such fitting objects. On this point, as might be expected, history is almost entirely silent. It has long been a favourite theory that the monasteries were exceptionally charitable, and ministered largely in abating the evils of poverty. The minute accounts of these houses which still remain, however, hardly support this inference. The springs of charity had long ceased to flow for the maintenance of the monasteries, and their endowments had suffered from the waste caused by improvident abbots and priors. The conventual orders were in very many instances heavily encumbered with debt, and, in common with the rest of the nation, had suffered in various

[1] On the provision for the poor in towns, and on the employment of the Irish labourers in England, see the next volume. In the end of this century a local historian says: "Ireland prescribeth to be the nursery which sendeth out yearly, yea, and daily, whole shiploads of these crooked slips, and the dishabited towns afford them porting."—Carew's *Survey of Cornwall*, p. 67, 1602. The Irish were far more unpopular in England throughout the Middle Ages than they have been since that period.

ways from the wars at home and abroad which fill so much of the history of the fifteenth century.[1] Again, of the few monasteries which were not crippled by debt several derived their income from parishes at a distance from the religious house itself, and these monasteries gave little or nothing to the poor of the parishes in which they stood, and the priest or vicar who came over and did the duty of the parish was generally as poor as the poor labourers to whom he ministered, and, however much he might have sympathized with his flock in their poverty, could do nothing to relieve them. Relief was dealt out much as voluntary societies suggest now. Among the documents preserved in the muniment room of Magdalen College, Oxford, is a long and interesting letter "from the vicar of Quinton, in Gloucestershire, who hearing of the proposal of the president and fellows of the college to let land near his parish to a farmer," touchingly and earnestly "pleads that the land may not be let to any one man but to the poor of the parish, to the community rather than to one man, to the poor and the innocents before a gentleman or a gentleman's gentleman." It would appear that at this period of the depreciation of landed property and of agricultural distress, this mode of leasing the college lands in small allotments was suggested for the relief of poor tenants.[2] Late in the sixteenth century it was provided that no cottage be built unless "four acres of ground at the least" be appendant to it, and this continued to be the law until comparatively recent times.[3]

The same parish and the same bundle of documents in the archives of the College of St. Mary Magdalen at Oxford which contains the appeal of the vicar of Quinton afford one out of many instances illustrative of the depreciation of property in the latter half of the fifteenth century. A large "goodly builded" house, which had been erected "within eighteen years" at a cost of two hundred pounds, and "was well tiled and timbered," had lately been offered for eighty pounds, and might

[1] Brewer's *Reign of Henry VIII.*, vol. i., p. 50.
[2] *Eighth Report of Commission on Hist. MSS.*, p. 262.
[3] 31 Eliz., chap. vii., § 1 ; Jacob's *Court Keeper's Guide*, p. 35.

then be had for sixty.[1] But though there exist many such instances of the distress prevalent in the agricultural districts —that is to say, in quite nine-tenths of all the parishes of England—there is hardly any need of these evidences to assure ourselves of the prevalence of such great distress as is described by contemporary writers. Starkey asks, "Who can be so blind and obstinate to deny the great decay of our commonweal either when he looks at our cities and towns of late days ruinate and fallen down, or when he looks upon the ground so rude and so waste, which by diligence of people hath been before time occupied and tilled?" This he attributes to the decline of the population, and that "not merely in one place or two, but generally throughout the realm. If you look," he tells us, "to the cities and towns . . . . you shall find that in time past they have been much better inhabited and much more replenished with people then than now."[2] On all sides, he tells us, we shall see "great scarceness and penury," and a "great multitude of beggars," whilst "ploughman and artisan, merchant and gentleman, yea, lords and princes, bishops and prelates, all with one voice declare their lack of money, and that they are nothing so wealthy and rich as in time past." This, he says, is "the consent of all states, none excepted; all in this agree, and it is not likely that all should complain without a cause. It cannot indeed be doubted that there is among us great poverty. As for the lack of things necessary, who can deny when he looks to the great dearth of corn, cattle, victual, ... a common dearth argueth great lack."[3]

[1] For report on the state of the parish and the before-named letter of the vicar of Quinton, see Note C at the end of this volume.

[2] Starkey's *Dialogue between Pole and Lupset* (Early Eng. Text Soc.), on *England in the Reign of Henry VIII.*

[3] Elsewhere the writer before quoted goes on to say:—"Many houses there you shall see plain ruinate and decayed, and many yet standing without any tenants and inhabitants of the same. Whereby plainly is perceived after my opinion the great lack of people and scarceness of men. And further if ye look to the villages of the country throughout this land, of them ye shall find no small number utterly decayed; and there, whereas before time hath been nourished much good and Christian people, now ye

This is the testimony borne by the whole of the literature of this period. However they might differ in other points, More is here in agreement with Tyndale, Starkey with Dudley; and controversial theology accords with the ballads of the period. The end of the fifteenth century was a time of great agricultural depression. Not only was there a "great dearth of corn, cattle, and victuals, but also of men." There was hardly a sign of any improvement in any quarter, except where a foreign commerce was springing up. In the first half of the fifteenth century the average value of corn was about five and ninepence per quarter, in the latter half it had sunk to five and threepence for the same quantity; wages had slightly increased, though on the other hand, many articles of prime consumption had much increased in price. The agriculturist received a part only of his wages in a money payment. The rustic labourer, at a time when corn was worth three or four shillings a quarter, was required to receive it in lieu of six and eightpence of his earnings, for the farmer might lawfully pay him in wheat instead of money; so that when corn was high the labourer was paid in money, when corn was low he received payment in that commodity, often at an imaginary value to which it seldom attained.[1] In estimating the condition of the people, it is often forgotten that the cheapness of corn was thus of little advantage to the great bulk of the labouring poor—indeed, more often it was a cause of injury and suffering. The numerous and elaborate regulations for the control of beggars,[2] the licences that were issued to regulate begging, the continuous efforts to put down irregular unlicenced begging, and its heavy punishment when detected, the repeated references, not only in official documents, but in the general

shall find nothing maintained but wild and brute beasts; and there where hath been many houses and churches to the honour of God, now you shall find no thing but sheepcotes and stables, to the ruin of man, and this is not in one place or ii, but generally throughout this realm."—Starkey's *Dialogue between Pole and Lupset.*

[1] 25 Edward III., stat. 2, cap. 1, A.D. 1350.

[2] *Piers Plowman's Vision*, passus x., line 168, and notes (E. E. Text Society's edit.).

literature of the period, to the large number of beggars, are all testimonies to the great prevalence of much honest poverty and want during the whole of the fifteenth century, especially towards the close of that period, though the excessive number of beggars was complained of in the century preceding.[1] These regulations testify as well to the insufficiency of the hospitals or almshouses for the alleviation of distress.

Manor Houses.—Standing usually apart from the houses of the farm tenants and the cottages of the labourers, the manor houses were inhabited in some instances by the lords of the manors, but more usually at this time by their reeves, and, when the lords ceased to farm on their own account, by the tenant farmers of the demesnes. For some time the manor houses hardly differed in size and not at all in convenience from the cottages of the labourers and the houses of the small farmers. In the fifteenth century one or two rooms were added to the manor house, and the tenement was then usually dignified by the name of "the hall." If more apartments were built on the basement the manor house rose sometimes in popular speech to the rank of a "castle," with, however, but little improvement except in the increase of rooms, and with a total disregard for the legal or technical meaning attached to the name of "castle."[2] Two other houses in most villages rose in rank and size above that of the peasant. When the benefice was not served by a non-resident monk, the parsonage was the residence of one whose spiritual duties placed him above the peasant in station, though hardly above him in freedom from the cares of poverty; and close by the mill stood the house of the miller, who in the abundance of his means probably ranked next to the lord of the manor himself, and was even of greater importance in village life.[3]

[1] Brewer's *The Reign of Henry VIII. to the Death of Wolsey*, vol. i., p. 49.

[2] The house tenanted by a baron, the *caput baroniæ*, was properly a castle.—Madox, *Baronia Anglica*. pp. 17, 21.

[3] See Chaucer's *Canterbury Tales*, Prologue, "The Miller."

Foreign and domestic wars, exile and attainders, during the fourteenth and fifteenth centuries weighed as usual heavier upon the members of the peerage and upon the upper classes of landowners than upon the lower ranks of the country gentry. Especially was this the case during the strife between the houses of York and Lancaster. Whilst counties were being thrown together and placed under the care of one sheriff, as was done by Richard II., and the sheriff's tenure of office, from the dearth of men of family and rank, was prolonged beyond the year for which he had been chosen or appointed,[1] there seems to have been no great lack of men of moderate wealth to act as justices of the peace, even though some were of inferior condition, and had recently grown rich by commerce, and especially by the trade in wool. At the beginning of the fifteenth century, according to Fortescue, almost every small village had its knight, squire, or frankelyn,[2] the last a substantial freeholder who ploughed his own acres, bore his farm produce to market, mustered the young men of his parish to the customary exercises of the longbow, lived without wish for London life, but was on the whole content with the career which the village, the manor courts, and the commission of the peace afforded him. Though the number of these men had no doubt diminished under the prolonged war with France and afterwards during that of the Roses—we have indeed abundant evidence of this diminution since Fortescue had made his somewhat

[1] The 18th of the Articles of Accusation against Richard II. was that contrary to law he had continued sheriffs in office "longer than a year;" but not many years later, by the 9 Henry V., cap. v., it is declared that "by divers pestilences within the kingdom and by foreign war there is not a sufficiency at present of proper persons to fill the offices of sheriffs and escheators, therefore that they might be continued in office for four years." See 28 Edward III. cap. 7.

[2] Fortescue, *De laudibus legum Angliæ*, cap. xxix.; he describes a frankelyn as "Pater familias, magnis ditatus possessionibus." Hearne, in his Glossary to Robert of Gloucester, defines him as "Francoleyn, *Libertus, libertinas, municeps*—Francling a freeman, or denizen"—words in nearer agreement to his condition in the thirteenth than in the fifteenth century.

rose-coloured statement to Henry VI.—yet a sufficient number of these middle-class farmers and gentry must have remained in the middle of the fifteenth century to have prevented Fortescue's words from being altogether obsolete. Such men had come of a sturdy stock which had thrust its root deep into the soil, and though they had suffered in common with the rest of the nation they were recovering from this when the battle of Bosworth transferred the crown from the worn-out race of Plantagenet to the house of Tudor. The frankelyn was still known for the profuse and perhaps somewhat wasteful hospitality which he dispensed. In the language of Chaucer, half a century earlier than Fortescue, "It snowed in his house of meat and drink."[1] And if a neighbour, frankelyn, squire or reeve, gleeman or casual traveller passed his house, he saw with satisfaction that the royal court was not the only one in which regal hospitality was displayed,[2] but that yet, even among the frankelyns,—

> "His table dormant in his hall alway
> Stood ready covered all the longè day."

Though his hospitality was less profuse than it had been, because his means were smaller than in the beginning of the fifteenth century, it had not ceased. The traveller who could bring with him the latest rumour which circulated at the court in Westminster or London was still acceptable to the tarry-at-home country gentry. The traveller who could tell of parts beyond the sea, and had wandered in France, Germany, or Spain, and had heard the last whispers of the intentions of the Yorkists in the court of Burgundy, was welcomed as such guests had been of old when they could relate the last rumour from the Holy Land, and tell of the latest movements among the Crusaders. Such travellers would have little to complain of as to any lack of hospitality at the manor

[1] Chaucer's *Canterbury Tales*, in Prologue, "The Frankelyn."

[2] "For his famous housholding is to be remembered in England. He commanded his household officers to have it in dayly custome to covyr the tables in his hall from viii in the mornying tyll vii in the night."—*Liber Niger domus regis Edw. IV.*

house. The days of news-letters had hardly arrived at this date, and men were still welcomed for the accounts which they brought of the strife raging around them. The houses of the frankelyn and of the gentry in general still stood near the entry of the village, and were built without much regard to the position of the cottages of the labourers or small tenants. The chief care was that the hall or manor house should have a north-easterly aspect, and be sheltered on the one hand from the "blustering"[1] and sickly south, and on the other hand from the boisterous west. These houses commonly stood open to the east, for the wind from that quarter was thought to bring with it serene weather, and to the north, since the wind from that direction was held to be a preservative from corruption.[2] Many of these houses were moated to protect their inmates from the robbers who prowled around them by night and were defended by fierce dogs without, to scare such intruders away, and by the crossbows and other arms which hung ready for use within. It was for this reason that the law, which sought by every means to encourage the use of the longbow, yet allowed the farmer to keep a crossbow in his hall, that he might the better protect himself and his house from robbers.

[1] Shakspere, *Henry IV.*, Part I., act v., sc. 1.

[2] Tusser says :—

> "The south as unkind draweth sickness too near,
> The north as a friend maketh all again clear."

Evelyn, in his *Sylva*, chap. ii., recommends the farmer to "make choice of some fit place of ground well fenced, respecting the south east, rather than the full south, and well protected from the north and west," p. 9, second edition. See also Brand's *Pop. Antiquities* (ed. Bohn), vol. ii., p. 292. Of Oxford Hentzer writes, "Its site is wholesome, being situated in a plain, sheltered from the sickly south on the one hand and from the blustering west; but open to the east, that blows serene weather, and to the north, that preventive of corruption." To this belief Shakspere refers when he puts into Caliban's mouth the curse—

> "A south-west blow on ye,
> And blister you all o'er."
>
> *Tempest*, act i., sc. 2.

Sources of a Landowner's Income.—The income of the large landowner was derived from various sources. In addition to the rental of his manors, he had probably bought the wardship of some eldest son or daughter of a neighbouring proprietor, and received the profit of his or her land until the ward had come of age; or, in other instances, he was the keeper of a neighbouring forest or chase, or he filled the post of warden of a royal castle, for which fees were received, or held some other crown office[1] with a settled allowance of money and livery, together with advantages in the shape of perquisites, turfs of peat from the mosses, haybote, firebote, and housebote from the nearest woodland belonging to the king, or he took a share of the dues he collected for the crown, or bore a title with a grant settled on him or on his ancestor when the title had first been given.[2] Though the demesne lands of his manors were at this period for the most part let to and occupied by tenant farmers at a rack rent, the grounds lying around his chief manor house, which were called parks, but were used as grazing lands up to the door of his castle, pastured the oxen and deer which supplied his household and retainers with fresh meat throughout the summer, or were killed and salted down at Martinmas for winter consumption. The sheep which were fed on the waste of the manor supplied the lower tables in his hall with mutton, or were sold to the butchers in the nearest towns, whilst their wool found a ready market among the neighbouring clothiers, or was exported to Flanders or Italy. The warrens which were maintained beyond the limits of the parks, and were "swarming full of conies"[3] and birds, were sometimes

[1] Thus the Earl of Oxford was "steward of the whole forest of Essex," lord high admiral, great chamberlain, constable of the Tower of London, and keeper of the lions there, with an allowance of one shilling a day for this last office.

[2] Selden's *Titles of Honour*, pp. 660-62, 666 (edit. 1631); Tyrrell's *History of England*, vol. iii., pp. 830, 944.

[3] *E.g.*, 1488, "Lease to farm by the advice of the council of the duchy of Lancaster for seven years of the rabbit-warren of the demesne or manor of Methewold, co. Norfolk, at an annual rent of xxx$^{li.}$; the

let at a high rental, or yielded a supply of a favourite food for his dining hall. With the partridges, pheasants, plovers, pigeons, cranes, cygnets, waterfowl, hares, and rabbits, the lord sent also such fish as he could spare and a store of the choicest fruits and vegetables from his garden for sale in the market.

The rental or the produce in kind of the demesne lands of the manors yielded a substantial amount of revenue to the lord. In addition, the lands of the free tenants or freeholders of the manor paid usually a small quit rent per acre as chief rents, chevage or chiefage.[1] These were the acknowledgment of the tenants' subjection, or at least of the subjection of their lands to the lord, and a kind of retaining fee entitling them to expect if not to demand the protection of the chief lord. These rents, however, were viewed with disfavour by the crown as implying the existence of feudal obligations between the landowner and his free tenants. They were paid probably for the most part at Martinmas, and were an addition to any rent that might be due on one or on all of the usual quarter-days.[2] At the same time the customary or copyhold tenants sent to their lord the usual present in kind which furnished forth the feast given by the lord to his tenants, but given mainly, as it would seem, at their expense. Both corn

aforesaid W. or her assigns at the end of the term to leave the warren plentifully stocked with female conies."—*Materials for Reign of Henry VII.*, vol. ii., p. 325.

[1] Though *chevagium* is due only from the villain to his chief lord (*chief lord*—the immediate lord, not the sovereign), yet it had a secondary sense, and signified a sum paid to 'a chief,' meaning the chief head or leader, and as such was objected to by the crown as implying a feudal relationship to such chief, Chevagium dicitur recognitio in signum subjectionis et dominii de capite suo (Bracton, lib. i. cap. 10).—*Coke upon Littleton*, vol. i., 140a.

[2] *E.g.*,

	£	s.	d.
"The Martinmas or chiefe rents	3	13	5.
Rents payable at Lady day	6	5	0.
The chief rent due at Michas	12	0	10.

The lease and copyhold rents [The rents paid at Pentecost and at St. Martin's day partook of the same character;

and wool, the staple production of almost all manors, were higher, the latter much higher in the latter part of the fifteenth century than during the earlier part of the previous century, unless under exceptional circumstances, whilst the wages paid for agricultural labour were, so far as might be, kept down by "the statutes of labourers." The law which permitted the exportation of wheat, whenever the price in this country had sunk below six shillings and eight pence per quarter, assisted to maintain its value to the landlord. Wool, however, had reached a much larger price by the commencement of the next century than it ever had before. Increasing commerce had increased the price of wool, and this added considerably to the income of the landowner.[1] In addition to these sources of revenue there were the rents of the villain tenants, the commutations rendered in lieu of personal services chiefly at plough-time or in harvest, and the fines paid when the adulteration of food was detected, especially of ale, or for breaches of manorial law, such as the withdrawal of the tenant's sheep from the lord's fold at night, the neglect to grind his corn at the lord's mill, or because the tenant had sold the bread he had baked elsewhere than at the lord's oven,[2] and also licences to trade and to perform much of what are now considered

> they were an addition to the stipulated rental of the ordinary quarter day. They have little in common, except their title, with the "chief rents" still known by that name.] . . . . . 10 10 0."
>
> Jordan's *History of Enstone*, p. 326.

[1] "In 1466 King Edward concluded an amitie and league with Henrie King of Castile, and John, King of Aragon; at the concluding thereof he granted license for certain Cotteshold sheepe to be transported into the countrie of Spaine (as people report) which have then so multiplied and increased that it hath turned the commoditie of England much to the Spanish profits."—*Holinshed; Hall*, p. 266; Sir F. Morton Eden, *On the State of the Poor*, vol. i., p. 88; Macpherson's *History of Commerce*, vol. i., p. 539. The first two of these authorities assign this transport of sheep to 1466, and to the reign of Edward IV., "*as people report*." The other authorities attribute it to 1437, and to Edward III. All the authorities, however, regard it as an "indubitable" fact.

[2] For grinding at the lord's mill the tenant paid *malture*, for baking at the lord's oven he paid *furnage*. Kennett's *Parochial Antiquities*.

the simple rights of freemen. Such fees as these, and the moneys paid for licences often exceeded the amount of rent, and were among the most valuable sources of the lord's income.[1]

[1] 13 Edward III. "This lord often held in one year four leets or views of frankpledge in Berkeley Borough, wherfrom, by imposing iiij^{d}. and vj^{d}. upon a brewing of ale, and renting out the toll or profit of the wharfage and market there to the mayor of the town, he drew yearly from that art much more than the rent of the borough." The fines received at a manor court often exceeded the amount of rent paid by the tenants.—Smith's *Lives of the Berkeleys*, p. 135.

CHAPTER III.

The nobility—The aristocracy divided into two classes—The more powerful members and the rest of the barons reside in the country—Physical feebleness of the nobles—The Duke of Buckingham—His possessions—His alliances—Magnificence of his living—The Earl of Berkeley—The Duke of Northumberland—His position on the Scottish marches—The Duke of Norfolk—The great peers emulate royalty—England had become almost an aristocracy—The Earl of Devon and Lord Bonvile—Cardinal Kemp and his town of Ripon—Sir John Paston, the Duke of Norfolk, and the possessions of Sir John Fastolfe—The Earl of Berkeley and Lord Lisle—Bonds of retainers—Anarchy—Private war.

ABOVE the frankelyn and the untitled gentry in political power and privileges as well as in the extent of their possessions, though far inferior to them in social importance and in their influence upon the people, were the larger landowners and nobility. These had been thinned by proscription and by the foreign and domestic wars chiefly of the first half of the fifteenth century. In the beginning of that century the summons to parliament had been issued to forty-nine or fifty members of the baronage; in the first parliament of Henry VII. the number of noblemen summoned was only twenty-eight or twenty-nine.[1] The survivors were divided

[1] In the first year of Henry IV., at the beginning of the civil war, the peers summoned to parliament consisted of four dukes and one marquis, all members of the royal family; ten earls and thirty-four (Stubbs) or thirty-five barons (Dugdale in *Writs of Summons*), a total of forty-nine or fifty. When the War of the Roses was almost at an end, in the first year of Richard III., the summons was directed to one duke, the Prince of Wales, two other dukes, seven earls, two viscounts, and twenty-six barons, thirty-eight in all. To the first parliament of Henry VII. were summoned two dukes, nine earls, two viscounts, and fifteen or sixteen barons, twenty-eight or twenty-nine in all. In the eleventh year of the same reign, to the last parliament in the fifteenth century, the summons was issued to two dukes, one being the Prince of Wales, one marquis, eleven earls, two viscounts, and twenty-four barons, forty in all.—Dugdale's *Writs of Summons;* Stubbs' *Constitutional History*, vol. iii., p. 15; Parry's *Parliaments and Councils.*

by their party engagements during the struggle between the houses of York and Lancaster. This prevented them from acting together even on questions affecting the interests of their whole order. They all possessed manors and had baronial halls or castles, but by the middle of the century, in the reigns of Henry VI. and of Edward IV., the manor houses and demesne lands, especially those belonging to the more powerful members of the nobility, were no longer occupied by their reeves, but had been for the most part let to farm tenants,[1] and the visits which the owners had been accustomed to make to these manors had grown infrequent, and with them the popularity or influence which these visits preserved to them had diminished. As the rents paid by these farmers were mostly rendered in money, there was no longer a necessity that the landlords should pass from manor to manor with their households in order to eat up the proceeds of these manors on the spot. The visits to their estates were therefore confined to a few favourite houses. The baronial castles, moreover, which the more powerful noblemen still occupied for a part of each year, were, in most cases, surrounded by extensive parks, chases, and rabbit warrens, which supplied their tables with meat, and where they enjoyed the pleasure of hunting. This sport they shared with some of the neighbouring nobility and gentry, but usually at a distance from the great body of their tenants. These appropriations from the common waste were regarded with greater disfavour than most enclosures. Thus, without positively being unpopular, the wealthier noblemen of the fifteenth century failed to command the active sympathy of the people on the estates which they not only possessed at this time, but on which they had formerly resided in the midst of their tenantry.

Though many, and probably most, of the northern nobility had their houses in London or in York—some, indeed, in both these cities[2]—yet they were, as a class, noted for their attach-

[1] Smith's *Lives of the Berkeleys*, p. 144.

[2] Poggii *Opera*, p. 69; Shepherd's *Life of Poggio*, p. 127. The nobility "according to their ancient usage do not so greatly affect cities as the

ment to their country homes, where, surrounded by their manorial tenants, they employed themselves in various offices connected with the administration of county affairs, looked after their wool and cattle, and took pleasure in rural matters in general.[1] But though, except for the few days during which the sessions of parliament lasted, they resided for the chief part of the year at their country seats, one circumstance hindered their influence upon society at large from becoming great. In the dawn of the revival of letters, few of the nobility and of the large landowners had any other education than that afforded by the pursuits of hawking, hunting, and private war or public war, if such pursuits can in any way deserve the name of education, so that when the national policy was becoming more complicated, the conduct of public affairs had for the most part passed into the hands of men of larger information, though of a lower social position, whom necessity, even more than the policy of the Tudors, led them to prefer to the members of the noble families who had formerly engrossed such offices.[2] Add to this that the members of the nobility were heavily encumbered with debt. The extravagances fostered by the kind of warfare in which they had been engaged almost uninterruptedly for a hundred and twenty years had nearly crippled their resources. The pageantry which they largely indulged in; the excessive splendour of the dress which it was the fashion of the period to display at court or on public occasions;[3] the small money returns from landed property;

commodious nearness of dales and brooks."—Pol. Vergil, *Hist. England*, book i., Eng. trans.

[1] "Every gentleman flyeth into the country. Few that inhabit cities or towns; few that have any regard of them."—Starkey's *England in the Reign of Henry VIII.* Molino in Von Raumer's *Elizabeth and Mary*, p. 462.

[2] "The fault is in yourselves, ye noble men's sonnes, and therefore ye deserve the greater blame, that commonlie the meaner men's children come to be the wisest councellours and greatest doers in the mightie affaires of this realme."—Ascham, *The Scholemaster* (ed. Mayor), pp. 39. 40. Pace *de fructu*.

[3] Sir John Arundell, during his campaign in Brittany in the third year of Richard II., was wrecked on the coast of Ireland, and "lost not onelie his life, but all his furniture and apparell for his bodie, which was very

the necessity which landowners had of remitting a portion of their rents to their empoverished tenants,[1] and the high rate of interest on the sums which they were compelled to borrow in order to meet the demands of their station,[2] had greatly burdened their estates, and caused the want of money of which during the fifteenth century even great peers complained.

A circumstance which we should consider trivial, but which was not without weight in those days, diminished the natural influence of the nobility. Instead of the thews and sinews which in earlier days had nerved the sword-arm of these hereditary warriors, and won for them the respect and admiration of the tenants whom they led into the field, the physical vigour of the members of the baronage was but slight. Though the people were tall, the barons of the closing years of the Middle Ages were for the most part low in stature and feeble in frame.[3] Unlike their ancestors, they had little pleasure in the athletic sports which the people enjoyed, but which many of the nobles of the fifteenth century despised, or at least neglected; dress, cards, and dice pleased them more, for these demanded no bodily strength.[4] This fact is noted by several observers, and

sumptuous, so that it was thought to surmount the apparell of any king. For he had two and fiftie sutes of apparell of cloth of gold or tissue, as was reported .... all the which .... was lost at the sea."—Holinshed, *s. a.* 1379.

[1] Bishop Pecock's *The Repressor of over much Blaming of the Clergy* (Rolls), p. 306.

[2] The usual rate of interest for money lent on good security was from ten to twelve per cent.—Halliwell's *Nugæ Poeticæ*, p. 21; *Lives of the Berkeleys*, p. 80. But see *Libel of English Policy*, *Political Songs* (Rolls), vol. ii., p. 175; 3 Henry VII., cap. 6. By 37 Henry VIII., all interest above ten per cent. was declared unlawful.—Adam Smith's *Wealth of Nations*, book i., chap. 9 (vol. i., p. 120).

[3] See description of England by the Florentine Petruccio Ubaldini, in Von Raumer's *History of the Sixteenth and Seventeenth Centuries*, lett. li., Eng. trans.

[4] Ascham (*The Scholemaster*, p. 66, edit. Mayor) calls upon them to set an example to the people in archery, and says, "If but two or three noble men in the court wold but beginne to shoote, all young gentlemen, the whole courte, all London, the whole realme would straightewise exercise shooting." On the neglect of swimming by the gentry and nobility, see Elyot's *Governor*, p. 60.

one of them attributes the physical degeneracy of many of the peers to the early marriages of the nobility with rich damsels under age. As this custom of contracting early marriages was as common in the case of the boy as of the girl, it probably originated in the desire of anticipating the crown in its claim to the wardship of minors, and the disposal of them in marriage.[1] As deaths were early in those days, and wardship frequent, a father sought by the early marriage of his son or daughter to dispose of their hands in his lifetime, instead of leaving them to be dealt out to hungry courtiers who only sought to make as large a profit as they could from the marriage of the wards they had bought for that purpose. Fourteen was a usual period for the marriage of the children of those who would save their lands from the exactions of the crown. There are records of earlier marriages than this, and even of paternity at the age of fourteen.[2]

At the accession of Henry VII., and during the greater part of the time when the Tudor family filled the throne, though the members of the baronage possessed the same constitutional privileges and position, they were of very different weight in the political and social scale. The great body of the nobility were so far crippled in their means, that many of them were retainers and servants of the superior nobility, and received wages for their services.[3] The real power of the aristocracy was centred in a small number of noble families. The long wars, which had weakened the baronage as a class by extinguishing many of the old families, had increased the wealth and landed possessions of several of the houses which remained. Almost all the adherents of the victor at the close of the civil war had been enriched by the attainder of their opponents.

[1] As knighthood prevented wardship, a father sometimes endowed his son with land to qualify him for knighthood at an early age, so as to bar the claims of the mesne lord or of the crown to wardship. An instance occurs of knighthood at the age of seven years avowedly procured for this reason.—Smith's *Lives of the Berkeleys*, p. 140.

[2] Smith's *Lives of the Berkeleys*, p. 115; Fitzherbert's *Surveyinge*, chap. xii.

[3] Starkey's *Dialogue between Pole and Lupset*, p. 95.

Several of them had benefited by the failure of collateral houses, and the baronies which had been absorbed in the superior honours of Buckingham, of Northumberland, of Norfolk, and of a few other powerful members of the nobility, were weighted with broad acres, and strengthened with the manorial rights which followed the title. These peers, owing to the amount of their accumulated wealth and the number of their tenants and immediate attendants, overshadowed the throne more than they supported it. From being peers of the realm each of them had become almost the peer of the king himself. Most of the members of the higher aristocracy, as several experienced to their cost, had the right to quarter the royal arms on their coats-of-arms, and some of them possessed genealogically a claim to the crown not only equal to, but superior to that of the actual possessor, a fact which led them, or at least led their adherents, to speculate on the possibility of their succession to the throne.[1] In the time of the first Tudor king the strength of the baronage and its political influence was centred in the families of Stafford, Nevil, Percy, Howard, and Berkeley. Of these great and prominent peers some traced their origin to a common ancestor, Ralph, the first Earl of Westmoreland, by his marriage with a daughter of John of Gaunt.[2] Marriage had allied these families and bound them into one household, and, if they had been freer from high-handed acts of rapacity and violence, their great estates, added to their historic names, their distinguished lineage, and the popularity they might have possessed, would have made many of them standing menaces to their sovereign. It was a shrewd and significant counsel of the Carthusian monk consulted by Edward,

[1] On the expectations of the leading nobility in the event of the death of Henry VIII. without leaving an heir to the throne, see Giustinian's *Four Years at the Court of Henry VIII.*, vol. ii., p. 315. Skelton, in his *Most dolorous dethe of the most honorable Earle of Northumberlande* (Skelton's Works, ed. Dyce) speaks of him as—

"Of the bloud royale descending nobelly."

[2] Nicolas' *Historic Peerage;* Collins' *Baronage* ; Tonge's *Visitation of the Northern Counties*, pp. 15-28.

Duke of Buckingham, on the probability of his succession to the reigning king, that the duke should endeavour to obtain "the love of the community of England," before any great act of his should show that he contemplated the possible vacancy of the throne, and that the lack of a direct successor to Henry VIII. might open the way to the duke obtaining that position.[1] It was on this point, the need of first obtaining "the love of the community," that his weakness, the weakness of his father, and indeed the weakness of the baronage in general, was conspicuous.[2]

However sound the advice said to have been given might have been, the Duke of Buckingham was hardly able to avail himself of the counsel of the Carthusian, even if his pride and passion had permitted his attempting this. The Venetian ambassador, Sebastian Giustinian, speaks of him as being "extremely popular,"[3] and Lord Herbert testifies to his having been "much lamented by the people."[4] The popularity, however, could scarcely have been deep,[5] and the lamentation was that which the sight of the transition from great state to utter abasement, especially when unmerited, is sure to wring from spectators. The rebuilding of his castle at Thornbury, in Gloucestershire, had been resumed as soon as he had been restored by Henry VII. to the estates and honours of which his father had been deprived by Richard III.; the tenants of his manor, however, complained that "the late Duke of Buckingham had enclosed within the said park" of Thornbury "diverse men's lands as well of freehold as copyhold, and no recompense yet had been made of the same."[6] In this

[1] *Third Report of Deputy Keeper of the Public Records*. p. 230.

[2] Polydore Vergil (*Hist. Ang.*, lib. xxv.) speaks of Duke Henry as "homo acer," or, as the old translator (Camd. Soc.) renders it, "a sore and hard-dealing man."

[3] *Four Years at the Court of Henry VIII.*, vol ii., p. 315.

[4] *Life of Henry VIII.*, p. 100, first edition.

[5] Shakspere, who reflects the popular feeling, speaks of him as—

"—— Bounteous Buckingham,
The mirror of all courtesy."

[6] *Archæologia*, vol. xxv., p. 312.

respect the son trod in the father's footsteps, and "not without many curses of the poor tenantry," whose farms they declared were "decayed from enclosures," he added to these enclosures with the same disregard of justice which his father had shown.[1] So long as this grievance remained fresh in the memories of men, the owner of Thornbury was not likely to "obtain the love of the community" living around his castle. The very magnificence of his principal dwelling, and the way in which he was hedged in from vulgar eyes, were hindrances to his obtaining that love. Uniting the character of a fortified castle and a baronial hall, it consisted of an outer and an inner quadrangle, with a "goodly garden to walk in, enclosed with high walls embattled," a garden of greater privacy for the family of the duke, an orchard of young trees well laden with fruit, a rosary, and other pleasures. Three parks, with grazing for about two thousand fallow and red deer, lay around this castle, and beyond these parks a tract of heather used as a rabbit warren effectually shut out the world from intrusion upon the state and pleasures of the great duke. On the other side of England, the lordship of Tonbridge, in Kent, was numbered among his possessions, "as strong a castle as few be in England." Adjoining this castle was a park of oaks and beeches, with pasturage for three hundred fallow deer, with plenty of water running through the park, embracing in its circuit fifty-two islands. At Bletchingly, the manor house "properly and newly builded, with hall, chapel, chambers, parlours, closets and oratories newly ceiled, and wainscotted roofs, floors and walls, which may be used at pleasure, with hangings." The pen wearies in the attempt to enumerate the extent and splendour of the possessions of this nobleman, his parks and chases, his forests and meres teeming with fish, his orchards and "roosting places," or summer houses, embowered with white thorn and hazel. The roll of the possessions of Duke Humphrey still preserved contains the rental of his estates in twenty-

[1] In the second year of the reign of Henry VIII., Edward, Duke of Buckingham, obtained a licence to empark one thousand acres of land of the lordship of Thornbury.—Leland.

seven counties.[1] This duke was slain in the battle of Northampton (28th July, 38 Henry VI.), and his estates descended to his grandson Henry, who largely increased them. This nobleman, who died on the scaffold at Salisbury, boasted that the retainers who wore his cognizance and were sworn to follow his banner, were as numerous as those who attended Warwick the King-maker in his progresses.[2] Alas! they were wanting in the hour of need. Edward, the son of this Duke of Buckingham, when restored by Henry VII. to the lands and honours his father had possessed, emulated his grandeur with the same result. When arrested and sentence was pronounced against him in the reign of Henry VIII., the rebuilding of Thornbury was only half completed, and their owner, amidst the sobs and tears of the spectators, went to the scaffold on Tower Hill, pitied indeed, but without a finger being raised in his defence. It is scarcely pretended that the duke died because of any overt act of treason.[3] He was the victim of "state necessity," and was executed in pursuance of a policy which sought to relieve the king from the control of a narrow circle of the chief nobility, who would have reduced the sovereign to a cipher.[4]

The right mighty Prince Edward, Duke of Buckingham, Earl of Hereford, Northampton, Stafford, and Perche, Lord of the Honours of Brecknock and Holderness, Hereditary Lord High Constable of England, Knight of the Garter, and the possessor of manors, boroughs, castles, lordships and advowsons in most of the counties of England and Wales, was probably, at the end of the fifteenth century, the wealthiest of the half-dozen more prominent peers of the realm, but in

[1] See a paper on the rent roll of this duke in 1447-48, in the *Archæological Journal* (vol. viii., pp. 259-281), by Mr. J. H. Markland. In *Compota Domestica* (Abbotsford Club), Mr. Turnbull printed, in 1836, the household book of this duke in 1443-44, and a fragment of the household book of his duchess.

[2] Dugdale's *Baronage*.

[3] The charge under which he suffered was the very elastic one of "constructive treason."—*Third Report of Deputy Keeper*, p. 230.

[4] Brewer's *Reign of Henry VIII.*, vol. i., p. 397.

the pomp and circumstance of his life he was a fair specimen of the most powerful of the nobility who aspired to direct the action of the crown. He was the descendant and representative of Thomas Plantagenet, Duke of Gloucester, youngest son of Edward III., was brother-in-law, moreover, of the powerful Earl of Northumberland, and, by the marriage of his three daughters, father-in-law of the Duke of Norfolk, the Earl of Westmoreland, and of Lord Abergavenny. His son Henry was married to Ursula, sister of Cardinal Pole, and granddaughter of George, Duke of Clarence, the brother of Edward IV. and of Richard III., a marriage which brought the Duke of Buckingham near to the throne, and by alarming the jealousy of the reigning king, consigned him to the scaffold. The Venetian ambassador, Giustinian, estimated his annual rental at thirty thousand ducats, equal to about a hundred and eighty thousand pounds of money of present value.[1] This from other evidence we know to be no exaggerated estimate, though made at a time when the money rental of a nobleman who possessed many manors and lordships was far from representing even the chief part of his wealth.

At his table in the great hall of Thornbury upwards of two hundred guests shared his breakfast and his dinner.[2] Among his servants and retainers might be seen the sons of noblemen who had been sent to his household to learn the duties and accomplishments of their station. These served him as pages and henchmen, and waited upon him at his meals, whilst in their turn they were waited upon by their own servants, who thus in fact swelled the number of the retainers and attendants of the duke.[3] When he travelled from one of his manors to another, to Stoneleigh or Brecknock, to Newport or Tonbridge, or when he went to his London house, he made the journey in ordinary circumstances with a retinue of knights and gentry,

[1] *Four Years at the Court of Henry VIII.*, vol. ii., p. 315.

[2] *Archæologia*, vol. xxv., p. 311.

[3] Hovedon, vol. ii., p. 232 (Riley). Fiddes' *Life of Wolsey*, in Appendix No. 6, c. iv ; Venetian *Relation of England* (Camd. Soc.), p. 75 ; Roper's *Life of More*, p. 3 (edit. Singer) ; Northumberland *Household Book*, p. 40.

of upper servants and grooms, to the number of sixty or seventy persons, a small retinue for so great a lord, as though he would have avoided the misconstruction if he were attended by too large a number of followers. The retainers, however, who bore the Stafford knot on their liveries, and who had sworn to espouse his quarrel and to defend their lord, and who gathered round him on occasions of state, were almost a small army, justifying in some respects a part of the indictment at his trial, that they were "arrayed to assist him in his treason."[1]

The retinue of the Earl of Berkeley was, in the middle of fifteenth century, larger than the ordinary retinue of the Duke of Buckingham. It included twelve knights, who received daily wages. Each of these knightly attendants was waited upon by two servants and a page, each of whom received an allowance for a horse. These twelve knights were representatives of the leading county families. The squires who waited upon their lord were twenty-four in number, all "gentlemen and esquires of honourable family and descent." These also received wages for their services, and an allowance for their horses, and for the henchman and page by whom each of them was attended. When he travelled, Lord Berkeley was accompanied by a hundred and fifty servants, in coats of white frieze lined with crimson, and embroidered with his badge of the white lion rampant. In his hall three hundred persons were fed, and each day two quarters of wheat were expended in the bakehouse for bread and pastry. Among his retainers and household servants were numbered the sheriffs of Gloucester, together with other officers of justice. In addition to their daily wages these knights, esquires, and men-at-arms were fed by Lord Berkeley and clothed by him all in cloth, furred as befitted their rank, some with miniver "of the best," others with miniver of smaller price, whilst other attendants had their rank denoted by the rabbit's fur, the lamb's wool, or budge which trimmed their liveries.[2]

Whilst, at the end of the fifteenth century, the Duke of Buck-

[1] *Third Report of the Deputy Keeper of the Public Records*, p. 231.

[2] Smith's *Lives of the Berkeleys*, p. 188, &c.

ingham was the wealthiest member of the peerage, the Earl of Northumberland was probably the most powerful of the nobility.[1] His position and duties on the Marches of Scotland and Wales, and the necessity he was under of maintaining his castles in military array, and the strength of these border fortresses and of the numerous garrisons he was called upon to support—measures not of choice but of compulsion—as well as his remoteness from London and the court, all contributed to enhance his power. He shared with others of the chief members of the aristocracy the dangerous pre-eminence which a royal descent conferred. Around him, as his well-known household book shows, still lingered more probably of the feudal pomp and the feudal power of older days than around any of his brother peers.[2] The court at Alnwick came little behind the court at Windsor, and, like others of the chief nobility, the representative of the house of Percy was waited upon "both day and night," not only by—

"Knights and squires as menial household men,"

but by barons entertained in fee as ordinary members of his retinue.[3] He was the better able to bear the expense of such a court since he had inherited the lands, as he had absorbed the titles, of the ancient barons of Poynings, Fitzpain, and

[1] In 1400 the Earl of Northumberland [the first earl of the name of Percy], and Nevil, Earl of Westmoreland, were each of them bound to furnish an aid of forty men-at-arms and 120 archers for three months in time of war. The Earls of Warwick and Stafford were each assessed at twenty men-at-arms and forty archers. For the guardianship of the Marches of Scotland the Earl of Northumberland was required to maintain 500 men-at-arms and 1,000 archers, besides garrisons at Berwick and Carlisle. For these he had a grant from the Treasury.—*Proceedings of the Privy Council*, vol. i., pp. 105, 125.

[2] The mother of Henry, first Earl of Northumberland, was Mary, daughter of Henry, Earl of Lancaster, whose father Edmond was second son of King Henry III. The mother and wife of the second Earl of Northumberland were the lineal descendants of King Edward III.—Dr. Percy in Dyce's edition of Skelton, vol. ii. p. 90.

[3] Skelton *Upon the Death of the Earl of Northumberland*, vv. 32, 183, Works, edit. Dyce, vol. i., pp. 7, 13.

Bryan. He was, in the language of the heralds of those days, "The most illustrious Lord Henry, Earl of Northumberland, Lord of the Baronies of Cockermouth and Petworth, Baron de Percy, Poynings, Fitzpain, and Bryan, Warden of the Eastern and Central Marches of England on the Scottish frontier, and Knight of the most illustrious Order of the Garter."[1] Among his large possessions were at least five castles in Northumberland, nine in Yorkshire, and six in Cumberland, all surrounded by their attendant parks, chases,[2] and warrens. Other castles and lordships, situate in the southern counties of England, owned his rule and increased his power. He had manors, lands, and mansions in Kent, Sussex, Suffolk, Cambridgeshire, Somerset, and Dorset, besides castles in Wales. His northern parks supplied grazing ground for upwards of five thousand five hundred red and fallow deer, which gave occasion for many a hunting party of his friends and neighbours, and furnished his table with venison throughout the year. From his fisheries on the coasts of Northumberland and Yorkshire he drew a variety of fish for his daily banquets. From his retainers and tenants he was able to summon an army of the most warlike and restless spirits, drilled in constant military exercises by the perpetual strife which raged along the border lands of England and Scotland.[3]

As though all these possessions of the house of Percy did not make the owners of this title sufficiently formidable to the crown, on the attainder of James Touchet, Lord Audley, for his share in the insurrection which was crushed at the battle of Blackheath in 1497, the successor of Henry, Earl of Northumberland, received livery of his lands, and added them to the old possessions of his house. His establishments at Prudhoe, Wressil, Alnwick, and elsewhere, were maintained on

[1] Nicolas' *Historic Peerage*, ed. Courthope; Lord Bacon's *Henry VII.*

[2] Hallam's *State of Europe during the Middle Ages*, chap. viii., part iii.

[3] "When King Henry VII. made his progress into the northern parts in the first year of his reign, the earl met him by the way in Barnsdale, a little beyond Robin Hood's stone, with thirty-three knights of his feed men, besides squires and yeomen."—*Plumpton Correspondence* (Camd. Soc.), p. 53.

the same lavish scale as the castle of his brother-in-law at Thornbury. In the time of trial, titles, possessions, and even his army of retainers were, however, of as little value as similar titles, possessions, and retainers had proved to the Duke of Buckingham. Like him he lacked "the love of the community," and was murdered at his seat near Thirsk, in a popular insurrection in 1489.

In another part of England, and chiefly in the East Anglian districts, a large portion of the great possessions of the Mowbrays, Dukes of Norfolk, had recently descended to Sir John Howard.[1] The power he possessed, and the open contempt which he showed for justice and for the laws of the land are illustrated by his contest with Sir John Paston to secure the property left by Sir John Fastolfe,[2] which is related in this chapter. This incident affords a memorable instance of the high-handed style in which he was accustomed to brush away the cobwebs of the law whenever they interposed themselves as hindrances to his will. He also failed to obtain "the love of the community" of England. His neighbours, and the people generally, had as little reason to love him as they had to love others of his brother peers, and hence, when his fall came, it was as little regarded by the community as that of others of the wealthier nobility.

The chief members of the baronage were surrounded in their halls by at least as large a body of guests as were

[1] Through the Brothertons the Howards are descended from the blood royal of France, and doubly so from that of England by the male and female lines. Thomas, the second Duke of Norfolk, was grandfather of Queen Elizabeth. The Howards are the representatives and lineal descendants of Brotherton of Mowbray, Duke of Norfolk, of the Fitzalans, Earls of Arundel, and the Lords Segrave. The blood of the Uffords centres in them. They conveyed the barony of Scales of Newselles to the Veres, Earls of Oxford. The Earls of Egremont are descended from them in the female line. The Earldoms of Northampton, Berkeley, Carlisle, Stafford, Effingham, and the Baronies of Howard Charlton and Howard of Escrick are, or were, branches of this house.

[2] See the two rolls of *The Inventory of Sir John Fastolf's Goods* and that of *Sir John Fastolf's Wardrobes* in Arber's edition of the *Paston Letters*, vol. iii., pp. 467-490.

usually invited to the royal table. They vied with each other in the crowd of friends, retainers, and tenants which they received at dinner and supper.[1] Five hundred guests were not an unusual number to be seen in the halls of Thornbury or Alnwick, or at the public meals of any of the other half-dozen peers who possessed almost regal power in the country, and lived in more than regal state. When the great Earl of Warwick, the King-maker, journeyed to London, he was sometimes accompanied by so large a body of friends and retainers that six oxen were daily slaughtered to supply his breakfast table.[2] At Epiphany, 1508, as the household books of Edward, Duke of Buckingham, record, five hundred and nineteen persons dined with this lord, whilst four hundred remained to share his supper.[3] In their usual state these peers emulated the order and grandeur of their sovereign, and were attended by officers who bore the same titles, and were charged with duties similar to those of the servants and officers who waited upon royalty. These subjects, equally with the sovereign, had the services of heralds and pursuivants, of chancellors, of lord chamberlains and vice-chamberlains, of comptrollers of the household, of masters of the horse and clerks of the kitchen, of yeomen-waiters and yeomen-ushers, and yeomen of the pastry, and marshals of the hall, of cupbearers and treasurers, who regulated the expenses of their lord's entertainments, and arranged his guests after the order of their birth and importance.[4] Many of these officers had here-

[1] Wolsey in the next century imitated, perhaps excelled, the state of the great lords of his own and the previous century. Cavendish says that "Lord Percy, the son and heir of the Earl of Northumberland, attended upon the Lord Cardinal, and was also his servitor."—*Life of Wolsey*, vol. i., p. 57 (ed. Singer).

[2] Holinshed's *Chron.*, *s. a.* 1471, p. 678. "Upon the affections of the meaner sort he gained by a profuse hospitality; an open kitchen and buttery persuaded more with them than any duty to justice."—Habington's *Historie of Edward the Fourth*. Carte's *History of England*, vol. ii., p. 742.

[3] *Archæologia*, vol. xxv., pp. 311-341.

[4] Bishop Percy, in preface to *Household Book of the Earl of Northumberland*. This earl had his heralds and pursuivants, the former with an allowance for a servant who attended him. The Earl of Warwick had an

ditary titles, and were attended by their own servants, and had horses kept for their use by the nobleman they served. "An evil custom among the nobles there is," says Starkey, "that every one of them will keep a court like a prince; every one of them will have a great idle rout to wait upon him, to keep him company and pastime."[1]

From the name of that part of the hall in which the chief officers of the Earl of Northumberland sat at banquets, "the knights' board," we may gather the rank of those who served this nobleman.[2] Other peers of equal dignity and importance to the Duke of Buckingham and the Earl of Northumberland were attended by a similar train of noblemen, knights, and gentry, who did not disdain to accept the wages of these powerful members of the baronage, to wear their liveries, to compose their privy council, and to be bound on oath to stand by them in their quarrels, and to support their claims in all things and against all persons, "saving their allegiance to the king." The greater nobles were served on bended knee, the orders issued to their retainers and others were drawn up according to the form in use by royalty, and the formalities of their courts were as minute, and the order at Alnwick or at Thornbury was as rigidly prescribed as at Windsor or at Westminster. Even the royal style itself was not limited to the use of the sovereign, for some at least of the more powerful nobles issued their mandates in this form, "We, Thomas of Berkeley," &c.[3] The tables of these noblemen, whilst the guests were being served, were guarded by men-at-arms, who bore on their dress the cognizance of the lord who retained them. The choristers from the lord's chapel, led by their precentor, sang the grace at these meals, and to the sound of trumpets the guests marshalled themselves at table. The

officer at arms called Warwick herald.—Dugdale's *Hist. of Warwickshire.* "Their households were established on the same plans as the royal court, their officers bore the same titles, and their warrants ran in the same form and style."—Collins' *Baronage.*

[1] Starkey's *Dialogue between Cardinal Pole and Thomas Lupset.*

[2] *Household Book of the Earl of Northumberland.*

[3] Smith's *Lives of the Berkeleys*, p. 148.

number of priests kept in the household of the Earl of Northumberland was seldom fewer than eleven, and these were presided over by a doctor, or bachelor of divinity at the least, who held the office of dean of the chapel, with a sub-dean to assist him in his duties.[1] The surveyor of the earl's lands, his secretary, his clerk of the signet, and of foreign expenses, the secretaries, in short, of the earl's privy council, of his board of works, and of his home and foreign offices, were all of them priests.

The government of England had been, since the deposition of Richard II., as it continued to be until the accession of Henry VII., checked and controlled, if not directed, by half-a-dozen of the great peers of the realm, bound together, for the most part, by close family ties, and at the end of the War of the Roses the constitution of England seemed about to become aristocratic even in form. It was saved from this by the political ability and energy of the Tudors, whose policy, never lost sight of, was to break the power, not of the nobility itself, but of the small body of the greater nobles who were able to control the action of the crown.[2] It was probably, however, the remembrance of the position which the more powerful members of the aristocracy had held towards the sovereign in the last days of the Plantagenets, and of their political importance in the state, which at the first instigated or suggested the movements of the Earls of Bedford, Manchester, Essex, Northumberland, and of others, against the court and policy of Charles I. This, however, carries us beyond the period under notice in these volumes.

A few other aristocratic families, such as the Court-

[1] *Northumberland Household Book.*

[2] Lord Bacon says in commendation of Henry VII., "He was a merciful prince, as in whose time there were but three of the nobility that suffered; the Earl of Warwick, the Lord Chamberlain, and the Lord Awdley." [Sir John Radcliffe, Lord Fitzwalter, might seem another exception, but he was only baron by writ, and by his marriage with the heiress of the last baron, a tenure which was deemed at this time insufficient to confer a peerage. See *Lords' Report on the Dignity of a Peer*, and Betham's *Dignities, Feudal and Parliamentary*, p. 194.]

neys,[1] in the West of England, and the recently ennobled house of Stanley, in Lancashire,[2] approached the circle of the upper nobility in the extent of their possessions, but they stood alone and were, consequently, without that influence upon the government of the country which marked the history of those houses which had risen to political power during the civil wars of the fifteenth century. The remainder of the barons were of importance in proportion to the degree in which they had attached themselves to one or other of the great governing families. The smaller nobility borrowed their influence from the House of Lords, of which they were members, and added to that assembly the strength which lineage and landed possessions confer.

The record of the civil war which raged during the latter part of the reign of Henry VI., and indeed can scarcely be said to have ended before the death of the first prince of the house of Tudor, practically withdraws our eyes from the smaller but hardly less destructive wars which continued to be waged from one end of this country to the other during the same period.[3] It is necessary, however, that those who would estimate the condition of England aright should remember that the War of the Roses was only a repetition on a large scale of those private wars which distracted almost every county, and indeed, by taking away all sense of security, disturbed almost every manor and every class of society during the same century.[4] The picture presented by the northern

[1] *Materials for History of Henry VII.*, vol. i., p. 100.

[2] The first of this family who was ennobled was Thomas Stanley, summoned to parliament by a special writ tested 15th Jan., 1456 (34 Henry VI.), but never afterwards; died 12th Jan. or 20th Feb., 1458-9. He was succeeded by his son, Thomas, second Baron Stanley, created Earl of Derby 27th Oct., 1485 (1 Henry VII.); Collins' *Baronage*; Nicolas' *Historic Peerage.*

[3] Ellis' *Original Letters*, First Series, vol. i., p. 39.

[4] See *Rolls of Parliament*, vol. v., pp. 394-396, *Proceedings of the Privy Council*, vol. vi., pp. 140, 141, for notices of the quarrel, in 1453, between Lord Egremont and Sir John Nevil, younger son of the Earl of Salisbury, which threw into commotion the counties of York, Westmoreland, Cumberland, and Northumberland, with the usual result of affrays,

counties when devastated by the rival retainers of Lord Egremont and the Earl of Salisbury was repeated in Devonshire and in the bordering counties when overrun by the followers of the Earl of Devon and Lord Bonvile, and men were slaughtered, and children slain, and women carried off, and farmyards pillaged on the occasion of a disputed claim to the stewardship of the duchy of Cornwall,[1] whilst the ministers of the law were compelled to stand powerless and were unable to stay the hands of these chieftains and their half-disciplined hordes. The forces which accompanied the Earl of Devon in 1455, and enabled him to rob the cathedral of Exeter, and to put the canons and some of the country gentry to ransom, as well as to commit "many other great and heinous inconveniences," were estimated, in a document addressed to the House of Commons, to have amounted to eight hundred horsemen and four thousand footmen.[2] The evils of these and of other similar "riots and routs"[3] were enumerated to show the necessity of appointing the Duke of York protector to the realm during the illness of the king. Whether this was likely to remedy the disorders may however be doubted, but that the disorders and private wars were evils calling loudly for a remedy is unquestionable. In 1487, in the midst of a pestilence of more than usual severity—the remains of the

pillage, and murders. The attempt of the sheriff of Cumberland to preserve the peace between these two belligerents was unsuccessful, and Lord Egremont threatened that he would have the sheriff's head for daring to interfere.

[1] *Proceedings of the Privy Council*, vol. v., pp. xc., xci.; vol. vi., pp. lxxviii., lxxix. See Sir Matthew Hale's *Pleas of the Crown*, vol. i., p. 80, and Allen, *On the Royal Prerogative*, p. 122 (2nd edit.).

[2] *Rolls of Parliament*, vol. v., p. 285.

[3] In the technical language of the statute law "it is called a *riot* when three or above assemble themselves together to do an unlawful thing and do it; a *rout* when they only assemble themselves together to do an unlawful act and do it not."—Hudson, *On the Court of Star Chamber*, in *Collectanea Juridica*, vol. i., p. 82. In *La Terme de la Ley* (p. 534), it is said, "*Rout* is when people assemble together, and after proceed, or ride, or go forth, or move by the instigation of one or more, who is their leader. This is called a *rout* because they move and proceed in Routs and Numbers."

sweating sickness of 1485[1]—writs were issued for the assembly of parliament. These state, as the reason for calling parliament together, that the king was informed of the gathering of great riots and divers conventicles of misgoverned men, "by whom divers and great robberies, ravishment of women, burning of houses, manslaughters, and many other great riots and inconveniences" had been committed. These assemblies chiefly consisted of "persons as will not labour for their sustenances, but rather desire in idleness to go well arrayed and fare delicately, withouten that they have any possession wherewith for to maintain such estate as they show"—words so descriptive of the position of the retainers of the large landowners that they may well be appropriated to them. We know that these words are not to be passed over as though they were mere specimens of verbal surplusage; the details which follow in this and the other documents given in the "Proceedings of the Privy Council" compel us to receive them as simple and literal truths.[2] To remedy this weakness of official law, men combined under some of the more powerful landowners, and this very combination robbed the law of its power to protect the weak and innocent, or to awe and punish the guilty. Few things are more striking than to follow the calm dignity of the law and its official administration as the judges passed from county to county, and to note the observance of most of the legal forms of the courts of justice, even in the midst of strife and the noise of angry partisans. The judges from Westminster went their circuits at the proper legal terms; juries were empanelled by the sheriffs to hear all plaints, and to give their verdicts though war was raging around them. The only difficulty felt was when an attempt was made to enforce the judgments which had been given in the courts of law. If the plaintiff were a man of power, with a host of retainers sworn to protect his interests, the judgment remained unheeded,—no one dared to execute it. If both

[1] Hecker's *Epidemics of the Middle Ages*, pp. 177-338; Stow's *Chronicle;* Bacon's *History of Henry VII.*, p. 9.

[2] *Proceedings of the Privy Council*, vol. v., p. xxvi.

parties to the suit were men of station and power, the attempt to enforce the decision of the jury was frequently the signal for a war which ravaged the whole county, probably indeed two or three adjoining counties, as cruelly as the most obstinate of civil wars. Law after law was passed to extinguish the maintenance of suits which at this time was usually attended with violence, in which the pleader was threatened as well as the jurymen, until an opposite verdict to that already given had been wrung from the court. Similar statutes were directed against the hire of retainers distinguished by a livery.[1] If these laws had been as operative in their action as they were stringent in their requirements, they might have preserved the nation from several of the private wars which disturbed the close of the Middle Ages; but so long as joints of beef and of mutton, and huge flagons of ale, the "bouche of court," were dealt out in the lord's hall, and hats and gowns and the lord's badge marked the retainer as privileged to be defended by his fellows, however illegal or unreasonable his acts might be, there was hardly any limit to the number of retainers which such an idle life and a sense of security could enlist to espouse the quarrels of their lords. When these inducements failed, the number of these men gradually diminished, but this was not until the seventeenth century. Until that period all the law was able to do was to limit their numbers. They were forbidden to wear their livery out of their own county or district. Even the king's retainer might not display his cloak or badge except when the sovereign was present.[2] An exception to these

[1] *Livery* has several meanings (see Jacob's *Law Dictionary; Termes de la Ley*); here it is limited to that which is given, or "delivered" to servants, hence the term "liveries." It includes livery of cloth, the clothing given as well as livery in general comprehending clothing and diet. The general allowance of drink for retainers and servants was one gallon of ale daily, but as the respective stations of officers was marked by the wine and ale drunk, it varied with the station. One quart of wine was added to the one gallon of ale delivered to each. Inferior officers were served with two gallons of ale. See *Ordinances for the Royal Household; Archæologia* (1790); *Northumberland Household Book.*

[2] 1 Henry IV., cap. vii.

regulations was subsequently made in respect of the members of the trading companies, and the members of the city guilds were permitted to wear the livery assigned to them by the masters and authorities of their respective companies.[1]

The kingdom appears to have been in a very disturbed state before the end of the year 1437, and the lawless condition of English society in the fifteenth century resembled that of Ireland in as recent a date as the beginning of the nineteenth century.[2] The crimes were not merely similar, but in many respects were identical. In both countries women were carried off, sometimes at night; they were first violated, then dragged to the altar in their night-dress, and compelled to marry their captors under threat of starvation unless they complied. Some only yielded after experiencing what this threat implied, and were driven by hunger into marriage. The priest was compelled amid the protests of the reluctant bride to perform the sacrament of marriage.[3] Neither did betrothal nor a previous marriage secure the woman from so summary a divorce and remarriage. Children were seized and thrown into a dungeon until ransomed by their parents. Abbots, priors, and "churchmen" in general, if they ran counter to the policy which prevailed, were exposed to the same violence as ordinary laymen. Rents could not be collected without force and the threats of murder, and the perpetrators of such deeds are yet described as gentlemen, and many of them clearly belonged to the upper classes of the nation.[4]

For the suppression of these disturbances, caused chiefly by

[1] Compare Herbert's *History of the Twelve Great Livery Companies of London*, vol. i., p. 60, with the *Account of the Company of Ironmongers*, compiled by John Nicholl, 1857.

[2] Froude's *The English in Ireland*, vol. i.

[3] *Proceedings of the Privy Council*, vol. v., pp. xiv., xv.

[4] *The Social State of the Southern and Eastern Counties of Ireland in the Sixteenth Century*, temp. Henry VIII., by Hore and Graves (Kilkenny Arch. Soc., 1870). See note extracted from *Rolls of Parliament* in vol. iii., pp. 371, 372, of Mr. Sharon Turner's *History of England during the Middle Ages* (3rd edition).

the impunity afforded by bands of retainers, the sheriffs were furnished with copies of the Statute of Winchester, which they were strictly enjoined to see enforced.[1] That this ordinance was not uncalled for is shown by two petitions on the rolls of parliament of the year 1436. From one of these it appears that the widow of a knight called Sir John Boteler, of Beausey in Lancashire, had been carried off by one William Pulle, a gentleman—as the petition states—of Liverpool. He, with several armed followers, broke open her house at Beausey at five o'clock in the morning, and having committed the last outrage on her person, conveyed her nearly naked to Bidstone in Cheshire, where he forced her to accompany him to church for the purpose of marrying him. Having refused her consent to such a sacrilegious marriage, he threatened to murder her, and afterwards, as the petition states, he "consummated their nuptials against her will." Pulle subsequently conveyed her into the wild and desolate places in Wales, and detained her there until, at the entreaty of her friends, the king commanded several lords and others to pursue him, and to rescue his victim. When at length she was discovered she was placed in security; but the offender, having secreted himself in places where the king's writ did not run, still remained at large, in defiance of the attempt to secure him. She therefore prayed that it might be ordained by parliament that he should be ordered by proclamation to appear, and if he did not surrender himself, that he should be attainted of high treason, "considering that the said ravishing was done in more horrible wise, and with more heinous violence, than hath been seen or known before this time, and that the said William, her ravisher, is and of long time hath been outlawed of felony for the death of a man by him foully murdered and slain, not charging the execution thereof," and she prayed that the forced marriage might not

[1] 13 Edward I. (1st Statute of Winchester), confirmed 28 Edward I., cap. xvii.; 2 Edward III. (Statute of Northampton), cap. vi.; 5 Edward III., cap. xiv.; 28 Edward III., with amendments, cap. xi.; 7 Richard II., cap. vi.

be pleaded as an impediment to her appeal of rape; to which petitions the king assented.[1]

The next illustration of the state of society in this period of disturbance which will be here cited, arose out of a dispute between Sir Robert Harcourt and Sir Henry Stafford, the eldest son of the powerful Duke of Buckingham, about the claim made by each for the right to levy a distress for rent. It happened that Sir Henry Stafford was passing with his son Richard, a lad, through the streets of Coventry, on the way to his inn after a visit he had made to the Countess of Shrewsbury. We are told that Richard was a little behind his father. It was in the dusk of the eve of Corpus Christi day, when Harcourt came near the son and struck him a violent blow on his head with his sword, and Richard to defend himself drew his dagger. As, however, he was reeling under the blow of Sir Robert Harcourt, one of Harcourt's men stabbed him in the back with his knife. His father hearing a noise, rode up with his followers, but as he was dismounting to protect his son, he also was struck on the head, as his son had been, from behind, and fell down dead on the body of his son. The retainers of Sir Henry Stafford followed Harcourt, and an affray ensued, which resulted in the death of two of the retainers, and the wounding of several others. Both parties were indicted at the sessions, but nothing more seems to have followed, "because the sheriff of Warwickshire is dead, and they may not sit until there be a new sheriff."[2] "And all this mischief," according to the remark of the writer, "fell because of an old debate that was between them for taking of a distress."

This lawlessness had been complained of in many parlia-

[1] *Proceedings of Privy Council*, vol. v., pp. xxvi.-xxviii. For a similar instance of the abduction and violence towards the widow of Sir Thomas Malefaut in 1439, see *Rolls of Parliament*, vol. v., p. 15; Pike, *On Crime*, vol. i., pp. 260, 261, 477. The "act against taking away of women against their will," which excepted, however, "any woman on the lord claiming her as his ward or bondwoman," was passed 3 Henry VII., cap. ii. or iii. By it this crime, with the exception stated, was declared to be felony.

[2] *Paston Letters*, May, 1448, vol. i., pp. 73-74 (Arber).

ments, at least since the accession of Richard II. At length "the grievous complaints and great clamour" aroused by the "outrageous oppressions and maintenances made to the damage of us and of our people in divers parts of the realm,"[1] were met by an act of parliament which marks the commencement by law of the attempt to repress this "great and outrageous oppression" of the "maintenances" fomented by retainers. It is, however, noticeable that the act was put in force only against "people of small revenue." The man of large possessions was not precluded from holding the whole county in terror from the array of the retainers who followed his banner.[2] The crown hardly ventured to interfere with his rights, for private war was deemed a prerogative of the gentry and nobility. By the words inserted here and in later acts of parliament, stating that the complaint and "great clamour" had been heard of in "many parliaments," we are almost carried back to the period usually assigned for the first regular summons of representatives of the town population, so that the complaint of the oppression was very possibly made from the earliest date of constitutional government in England. How slow a remedy was found for the wrongs caused by these retainers is evidenced in the fact that it was not until the Tudors had passed away that any effectual limitation was put to the numbers of such retainers, and to the anarchy fostered by them; not, indeed, until the Stuart dynasty had almost run its course did retainers cease to exist more than in name.[3] The profuse hospitality, which meant an excess of eating, and especially of drinking, was the great, probably the chief attraction which drew retainers into the service of the great landowners. When these "liveries" were no longer dealt out to them, they were less available for the strife which went on around. When meat and drink no

[1] 13 Richard II., stat. iii. [2] 1 Richard II., cap. vii.

[3] The several acts for the suppression of liveries are as follow:—1 Richard II., cap. vii.; 13 Richard II., stat. iii.; 16 Richard II., cap. iv.; 20 Richard II., cap. ii.; 1 Henry IV., cap. vii.; 2 Henry IV., cap. xxi.; 7 Henry IV., cap. xiv.; 13 Henry IV., cap. iii.; 8 Henry VI., cap. iv.; 8 Edward IV., cap. ii.; 13 Edward IV., cap. iv.—*Statutes of the Realm.*

longer "snowed" in the hall of the frankelyn and in the castle of the great peers, the man of comparatively a "small revenue" and the lord of large possessions[1] discovered other channels open for the advantageous employment of their wealth. Then also it was found that improvement in public taste was no longer consistent with the coarse sensuality which had hitherto prevailed. In the change of social life at the end of the fifteenth century several elements concurred. Foremost amongst these a greater depth of religious earnestness must be noted. Lollardism brought some amount of ecclesiastical dissension to a distracted society, but there was with it a more than compensating advantage. It stirred the heart and awakened men to the consciousness of a purer morality than they could derive from the conventional forms with which they had been long contented. To intellectual progress the writings of Shakespeare and Spenser, and the Elizabethan poets in general, may claim to have contributed somewhat. There were, however, other pursuits to which men's attentions were drawn, such as the growth of scientific knowledge and of the experimental philosophy inaugurated by Bacon; the advance of naval discovery under Cabot,[2] Winter, Ralegh, Gilbert, Hawkins, Frobisher, and other seamen of the age of the Tudors; the attractions of commercial enterprise, and the revival of the fine arts, far as they were even then from again reaching the summit to which they had attained under Henry III. and Edward I. These all

[1] As Habington, quoted elsewhere, tells us, "an open kitchen and buttery" was the attraction in many cases. When two quarters of wheat were made into bread for the retainers' breakfast by one lord, and six oxen were cut up for the meat dispensed by another lord, and ale was supplied *ad libitum*, and wine was also dispensed to the upper class of guests in almost all these banquets, it is not to be wondered at that retainers were attracted by such "profuse hospitality."

[2] Though Cabot was a Venetian, yet some think that he was of English descent. Be that as it may, the father and his three sons, all naval discoverers, were settled at Bristol, the crews of their vessels were Bristol men, and the larger share of the cost of their expedition was defrayed by Bristol merchants.—Southey's *Naval History of England*, vol. ii., p. 165; *Maritime Discovery*, by G. R. Low, vol. i., pp. 267-272.

had more to do with the gradual suppression of retainers than acts of parliament and the proclamation of the king.[1]

The hire and muster of retainers involved their employment, and this was not found for them except at the expense of the poorer, the more orderly, and the more industrious members of the community. If the age of chivalry had not fled, it was less influenced than it had been of old by the restraints of Christianity. The increasing sensuality of the times, the dishonesty which pervaded trade and all the other relations of life, the murder and evil treatment of women by the hands, not only of knights and gentlemen, but of women themselves, the massacre of prisoners by sea and land, and the brutal slaughter of children, such as Clifford and Rutland and the Prince of Wales, by the political opponents of their fathers, after their surrender on the field of battle, all prove how greatly chivalry had degenerated.

The success of Henry of Richmond at Bosworth had extinguished the rival claims of the Plantagenets, and, after three quarters of a century of civil war, had in some degree restored peace to the people of England, by placing on the throne a prince who was able in a great degree to control and direct the course of affairs in this country. Henry's first measure was the creation of the Court of Star Chamber, which took cognizance of all infringements of the acts against maintenance.[2] The creation of this new court was a confession that the ordinary powers of constitutional law were incapable of dealing with the disorder of the times. In truth, the evils complained of struck at the root of all law and justice. In the preamble of the act it complains of the "haynous and

[1] The Acts treating of maintenance and retainers are—*Westminster* 1; 3 Edw. I., cap. xxv., xxviii., xxxiii.; *Westminster* 2; 13 Edw. I., cap. xxxvi., xlix.; 33 Edw. I.; *Temp. inc.;* 1 Edw. III., st. ii., cap. xiv.; 4 Edw. III., cap. xi.; 10 Edw. III., st. ii.; 18 Edw. III., cap. i.; 20 Edw. III., cap. iv., v., vi.; 1 Rich. II., cap. iv., vii., ix., confirmed 7 Rich. II., cap. xv.; 13 Rich. II., st. iii.; 20 Rich. II., cap. i.; 4 Hen. IV., cap. vii.; 8 Hen. VI., cap. iv.; 11 Hen. VII., cap. xxv.; 19 Hen. VII., cap. xiv.

[2] 11 Hen. VII., cap. xxv.

detestable perjuries daily committed within this realm in inquests and juries," the "which perjury groweth by unlawful retainers, maintenance, and embracery."[1] This act was followed by one eight years afterwards against retainers,[2] in which fines were directed to be levied to a considerable amount against all who shall give or receive a livery, and shall retain or be retained "otherwise than as a household servant." The fine in this case is fixed at one hundred shillings per month, or at forty shillings per day, and the culprit is "also to have imprisonment by the discretion of the judges or persons afore whom he shall be convicted, and that without bail or mainprise." As both of these sums are excessive, and could only be paid by men of large property, against whom it would be specially directed, and as Henry's policy would lead to the exaction of the fine, this must have checked the abuse of maintenance in all its grades.

By the acts for the suppressal of maintenance and its kindred evils Henry had declared that private war and offences against individuals were crimes against the state,[3] and by the institution of the Court of Star Chamber he had provided a machinery which should punish those who offended in this respect. He has been thought harsh in refusing to spare the Earl of Oxford, a favourite peer, for a breach of the law against maintenance.[4] If, however, his will was to inspire respect, it needed to be enforced, if not with rigour, yet with justice, and when he refused to overlook the violation of the act of parliament which had been introduced with his sanction and under his direction, he declared his resolution to exact obedience to the law from all persons, whatever their station

[1] "Embracery is an attempt to influence a jury corruptly to one side by promises, persuasions, threats, entreaties, money, entertainments, and the like."—Blackstone, *Commentary*, vol. iv., p. 140.

[2] 19 Hen. VII., cap. xiv. "As for riot and retainers there passed scarce any parliament in this time without a law against them."—Bacon's *History of Henry VII.*, p. 216.

[3] Allen, *Enquiry on the Royal Prerogative in England*, 2nd edition, p. 120.

[4] Bacon's *History of Henry VII.*, p. 211 (1st edit.).

and influence might be. The result of his impartiality is evident in the gradual abandonment of the maintenance of suits, and in the dispersion of the crowd of retainers who swallowed up the wealth of the nobility and harassed the people of every station in the realm. Between the accession of Henry VII. and the death of Elizabeth several elements entered into and affected the social life of the people of England, but amongst them the most considerable must be attributed to the suppression of the "routs and riots," the private wars caused by maintenance, and this is due to the action of the king in making them illegal, and in enforcing that illegality in the Court of Star Chamber.[1] "To the last, however," it has been well said, "Henry VII. remains somewhat of an enigma to us. Was he a great king? If it be enough to constitute a great king to have reigned twenty-four years without a single important war, and to have united in apparent peace a number of dynastic forces that had been struggling for a century; to have found England weak and poor, and divided against herself, and isolated in Europe, drenched in blood, and impotent in internal government, and to have left her rich and at peace with herself, and growing in contentment, and well administered, having a place in the councils of Europe second to none, courted on every side, and able to make her weight felt perceptibly in the balance; to leave a full treasury and an uncontested title to his successor, and a reputation stained by nothing that in the eyes of his contemporaries bore the guilt of crime; then the reign of Henry VII. was a great reign, and perhaps Henry VII. himself was a great king."[2]

Before the close of the fifteenth century these two measures

[1] The existence of large wastes and commons had much to do with the barbarous state of society as indicated by the presence of bodies of retainers. "It is remarked in the county report that those who live in the neighbourhood of great wastes are still an idle and lawless set of people." —*Report of Committee on Cultivation of Waste Lands.*

[2] Bishop Stubbs' *Lectures on the Study of Mediæval and Modern History.* See the estimate of Lord Bacon in *History of Henry VII.*, pp. 233-248.

of Henry VII. had found their place in the statute book of English laws, and to the wisdom which dictated them, and to the will which enforced them, were chiefly due the improvement which in several branches of social life commences with his accession to the throne.

The Court of Star Chamber, if not altogether new, was newly constituted by Henry VII., so that it may be reckoned a new court invested with far greater powers than it had formerly possessed. This was established by act of parliament in the third year of his reign.[1] The act by which in effect it was newly established is entitled, "An act giving the Court of Star Chamber authority to punish diverse misdemeanours." The court had been for many years in existence, but it dealt only with offences of a trifling nature, or with those which affected the peace and security of the nation in a trifling degree. From the date of its re-establishment or revival, this court took cognizance of offences not otherwise provided against, offences which had come to a head during the time of the civil war. The statute was of an elastic nature, and embraced within its purview crimes hitherto lying outside the jurisdiction of other courts of the kingdom. It was passed nominally against the "unlawful maintenances, the giving of liveries, signs and tokens, and retainers by indenture, promises, oaths, writings, or otherwise." The court was constituted by the presence of the Lord Chancellor, the Lord Treasurer, and Keeper of the Privy Seal, or by any two of them calling to them a bishop and a temporal lord of the King's Privy Council, and the Chief Justices of the King's Bench and the Court of Common Pleas, or in the absence of the two latter, two puisne judges. It was set in motion by "bill or information," and not by indictment. "When neither the Treasurer, President of the Council, Chancellor, nor Privy Seal were present, other lords sat for the determining causes."[2] The act of parliament by which the court was instituted gave the jurisdiction in express

[1] 3 Henry VII., cap. i., 1487.

[2] Hudson, *A Treatise of the Court of Star Chamber*, in *Collectanea Juridica*, p. 23. This is, according to Judge Blackstone, "a full, me-

words over these seven offences:—"1. Maintenance; 2. giving of liveries; 3. having retainers; 4. embracery; 5. jurors receiving money; 6. untrue demeanours of sheriffs in false returns and panels; 7. routs and riots. Small themes to exercise that court, where indeed all the principal offences here examined are not once touched; as forgery and perjury, frauds, contempt of proclamations, duels, and a multitude of others."[1]

It has been said with truth that "during the Middle Ages all Europe was a scene of intestine anarchy,"[2] and the violence which hindered the execution of justice in this country was so universal as to threaten the overthrow of all order, and the destruction of society itself. As private wars had their origin in no common cause save the confusion of the times, it is hardly possible to give the reader any general or adequate view of hostilities which destroyed all feeling of security, and hindered any progress in the arts of peace. No generalization as to the condition of the country will set before him the deep and widespread evils of the times, whilst to give such details as will fully picture those evils is scarcely possible. All that the historian can do is to trace the course of one or two of such private wars as will convey a sufficiently truthful idea of the tumults, the rapine, and the bloodshed which distracted every part of this country throughout a great portion of the fifteenth century, and at the same time to recall to the mind of the reader the fact that, though the sufferings of people in this country were great, yet, in the words of Mr. Hallam, "England was far less exposed to the scourge of private war than most nations on the Continent."[3]

thodical, and accurate account of the Court of Star Chamber."—*Commentary*, vol. iv., p. 268.

[1] Hudson, in *Collectanea Juridica*, p. 51. This court existed for 150 years, having been established or reconstituted by 3 Henry VII., cap. i. (confirmed 11 Hen. VII., cap. iii.), and abolished 16 Charles I., cap. x.

[2] Hallam's *State of Europe during the Middle Ages*, chap. viii., part 3.

[3] See Hallam's *Middle Ages*, vol. ii., chap. viii., part 2, and chap. viii., part 3.

In the earlier part of the Middle Ages the strength of the baronage—that is of the great landowners—consisted in the number of their manorial tenants; in the latter years of the Middle Ages—in the fifteenth century—it consisted in their wealth in money, and consequently in the number of the retainers they could enlist and summon into the field to maintain their quarrels.

By what steps the tenants who constituted the strength of the old nobility and large landed gentry passed into the body of retainers it is difficult to trace. The transition was probably so gradual that there were hardly any signs to mark the change. The first act of parliament which deals with the evils arising out of the relations of the lord and his servants and followers is of the date of 13 Richard II.,[1] and in the preamble we are told that the evils had been matters of "grievous complaint and great clamour" long before any attempt was made to repress them. This act, which is enrolled among the statutes of parliament, but seems, in fact, to have been a royal proclamation authenticated by the great seal, was sent to the sheriffs of the various counties, with directions that they should publish and proclaim the royal ordinance, as it is expressly called, in all "cities, boroughs, market towns, and all other public places, within their bailiwicks." But though it is difficult to trace the process by which agriculturists passed from being military tenants and became the retainers of peers and other landowners, there is a broad distinction between these two classes. The tenant of a manor, whether freeholder or villain, owed specific and usually well-defined duties to the lord in respect of the land he held; the retainer, whether tenant or not, was bound to a lord by the mere sense of personal advantage or security. The retainer paid to the lord a small—seemingly, a nominal—sum, on which he was recognized as a retainer. He received livery of food and clothing in token that he was the servant or retainer of the lord from whom he had received it, and, in addition, was paid a stipulated sum

[1] 13 Richard II., stat. i., cap. i.

as wages.[1] He was bound to espouse the lord's quarrels, and to answer his summons and to follow his banner generally, both at home and abroad. On the other hand, the lord was obliged to defend his retainer, and to protect his interests against every person, "saving his allegiance to the king"—words of small weight, since they permitted the subject to take arms at the call of his lord in order to rid the sovereign of the evil counsellors he had chosen, or to resist the commands of the king himself, under the plea that he was "king de facto, but not de jure." The clause was no hindrance to the Earl of Warwick from taking up arms against Edward IV., nor to the Duke of Buckingham from arming his retainers against Richard III. In a time of lawless strife and violence, the relation of lord and retainer was a league for mutual protection, which, however, soon became an institution which did far greater violence and wrong than any it pretended to remedy.

The political mischief involved in this relationship between a powerful landowner, whether nobleman or not, and the nature of the mutual duties assumed by the lord and the retainer may best be gathered from an examination of one of the bonds by which the relationship itself was created. This bond, for the sake of security, was signed by both the lord and the retainer.

In 1449 Walter Strykelande, deputy-steward of Kendal, Westmoreland, had "servants, tenants, and inhabitants" within the county of Westmoreland, and his retainers, "bowmen, with horses and harness, sixty-nine; billmen, horsed and harnessed, seventy-four; bowmen, without horses and harness, seventy-one; billmen, without horses, seventy-six"—in all, two hundred and ninety men.[2] In this year he became a retainer to Richard Nevil, Earl of Salisbury, who was attainted and

[1] Nicholson and Burn in *History and Antiquities of Westmoreland and Cumberland*, vol. i., p. 158; *Fifth Report of Commiss. on Hist. MSS.*, p. 330.

[2] A return, stated to be "about 38 Hen. VIII.," gives the numbers as 280, ten more bowmen on horseback being enumerated in the text. This is probably the return cited above, and by mistake entered under Henry VIII. instead of Henry VI.

beheaded in 1460. Strykelande brought his own retainers to swell the band of the Earl of Salisbury, and was a party to the deed which is here set out. "This indenture, made between Richard, Earl of Salisbury, on the one part, and Walter Strykelande, son and heir of Sir Thomas Strykelande, knight, on the other, beareth witness that the said Walter is retained and withholded with the said earl for the term of his life, against all folk, saving his allegiance; and the said Walter should be well and conveniently horsed, armed, and arrayed, and always ready to bide, come, and go with, to and for the said earl, at all times, and unto all places on this side and beyond the sea, as well in time of peace as of war[1] that he be warned by the said earl on his behalf, at the wages and costs reasonable of the same earl, taking the said Walter yearly for his fee of the said earl ten marks of money of the issues and profits of the lordship of Penrith [in time of peace], with the appurtenances, given by the hands of the receiver there being for the time, at the feasts of Martinmas and Whitsunday by even portions. And the said Walter shall take of the said earl in time of war such wages as then he giveth to other of his degree, rebating of such wages of war the difference of his wages in time of peace. And the said earl shall have the third of all winnings of war to be won or gotten by the said Walter, or any of his men that he shall have, at the costs and wages of the said earl; and if any captain or man of estate be taken by him, the said Walter or any of his said men, the said earl shall have him, doing to the taker reasonable reward for him. In witness, &c., 1 Sept., in the 27th year of Henry VI."[2]

These bonds were not limited to an engagement between

[1] It was in the retinue of these lords that children, the heirs of great families, went to the wars in France in the times of the Plantagenets, and there acquired their first experiences of a military life and military licence. —Smith's *Lives of the Berkeleys*, p. 119. "The castles of the earls were rather schools of knightly than of clerkly accomplishments."—Stubbs' *Lectures*, p. 143.

[2] *Fifth Report of Commission on Hist. MSS.*, p. 330. See also *Tenth Report, ib.*, part iv. ; *Agreement between Ralph, Earl of Westmoreland and Marshal of England, and Richard Otway*, p. 226.

one of the superior nobility and a squire of the rank of Walter Strykelande, neither were they always bonds for mere mutual security. In 1474 an indenture to the same effect as that between Strykelande and the Earl of Salisbury was made between Richard, Duke of Gloucester, and Henry, Earl of Northumberland.[1] This latter differs from the indenture just recited. It is evidently more political than the former. It says nothing about sharing the plunder won in war; it aims at higher gains, and foreshadows the seizure of the throne which the Duke of Gloucester was about to make, and is a comment on the value of the clause, "saving his allegiance" to the crown, which appears in all these bonds. In the indenture between Richard, Duke of Gloucester, and Henry, Earl of Northumberland, a stipulation is made that "the said earl do service to the duke at all times lawful and convenient, when he thereunto by the said duke shall be lawfully required; the duty of the allegiance of the said earl to the king, the queen, his service and promise to Prince Edward, the first-begotten son, and all the king's issue, begotten, or to be begotten first, at all times reserved." The duke, on the other part, "promises to be the earl's faithful lord," and that "he will not ask or claim any office . . . that the earl hath of the king's grant," and that he will not take any servant belonging to the said earl, "except John Wedryngton."[2] Read in the light of the subsequent dethronement and murder of Edward V., "the first-begotten son" of Edward IV., it seems a gratuitous mockery at all oaths and promises and of every form of allegiance owing by the subject to the ruler.

William de Berkley, the heir to the large possessions of the Barony of Berkley of Gloucestershire, "in the thirteenth year of his age,"[3] with Lord Stafford, the eldest son of the Duke of Buckingham, and one of the most powerful noblemen of the time, were wards or retainers in the household of Cardinal Beaufort. Sir Thomas More in his youth served at the table

[1] Nicholson and Burn in *Hist. of Westmoreland*, &c.

[2] *Sixth Report of Commission on Historical MSS.*, part i., p. 223.

[3] Collins' *Peerage of England*, vol. iii., p. 498.

of Cardinal Morton and listened to the conversation of the guests and joined in their talk,[1] and in the next century the names of Lord Percy, the heir to the peerage and to the estates of the Earl of Northumberland, and of the young Earl of Derby, occur in the same way amongst the retainers, whilst minors, in the household of Cardinal Wolsey.[2] In all these cases these youths came probably rather to learn than to serve; and they had better prospects of attaining this object in the households of these great churchmen than in the family of any secular peer, however powerful and wealthy.[3] Of these retainers or servitors, for all retainers were servitors, many performed menial offices in the household of the bishop, baron, or other large landowner, as other youths did during their apprenticeship to a merchant or trader in a town. Several of these retainers, especially those of the nobility, were maintained at the expense of their friends as in a boarding school, and had servants sent from home to wait upon them, and to assist them in the menial offices assigned to them.[4] These youths, though required to wait at table, were privileged in their accommodation in the household beyond the mass of the retainers. In some of the most important abbeys, the head of which was mitred, as at Glastonbury, or in episcopal palaces, as those of Becket and of Grostête, and of Longchamps in earlier times,

[1] Roper's *Life of Sir Thomas More*, p. 3 ; *The Utopia.*

[2] Cavendish in *Life of Cardinal Wolsey*, vol. i., p. 34 (edit. 1825); Fiddes' *Life of Wolsey*, p. 19, *Collections*, book ii., No. 6 (2nd edit.) ; Law's *History of Hampton Court Palace*, vol. i., p. 83.

[3] The Court of the King's Wards was not created formally until the 32 Henry VIII., cap. xlvi., and the Court of Liveries, which was joined to it, in the 33 Henry VIII., cap. xxii.—Coke's *Fourth Institute*, pp. 188-203.

[4] Of Wolsey it was said : "Of Gentlemen waiters in his privy chamber he had six ; and also he had of Lords nine or ten, who had each of them allowed two servants, and the Earl of Derby had allowed five men."—Cavendish's *Life of Wolsey*, p. 36, edit. Singer. In the *Northumberland Household Book*, under the heading of "Gentlemen of the household," are "carvers, servers, cupbearers, and gentlemen waiters. . . . Item, gentlemen in household ix., namely 2 carvers for my lord's ward, and a servant betwixt them both, except though at their friends' finding, and then either of them to have a servant. . . . My lord's hansman at the finding of my lord, and young gentlemen at their friends' finding."

and of Morton, Archbishop of Canterbury and Cardinal, at the end of the fifteenth century, such wards were received, and in several instances the priors or abbots, if not the bishops also, must have derived a considerable part of the income for themselves or for their community from the payments made by the friends of these youths.[1] Whilst these nobles and gentlemen served as retainers in their households, many of them added to the pomp and to the strength of the masters they served by bringing with them their own retainers and servants to wait upon themselves.[2]

The servants and retainers who were thus hired were maintained in the lord's hall; had breakfast and dinner at his table; though most of them still slept on bundles of fern or straw thrown down upon the floor of his dining-room when they happened to be in attendance upon their chiefs. They wore their lord's livery, and were horsed from his stables to enable them to accompany him from one manor house or castle to another. When he attended parliament, they went armed with him to London for his security, unless forbidden by royal proclamation to enter the city in military array.[3] They received wages in money, in various sums, at times as low as a mark, and varying from this up to four or five pounds yearly, according to their own services and the number of their attendants. These retainers were always ready to begin a quarrel on their lord's behalf, or were able to prevent an old quarrel from dying out for want of fuel. They were ever at

[1] See Preface to *The Babee's Book, or Manners and Meals in the Olden Time*, Early Text Soc.

[2] This was sometimes expressly covenanted. In an indenture between William, Lord Hastings (beheaded 1483), and his immediate retainers, which includes the names of two lords, nine knights, fifty-eight esquires, and twenty gentlemen, they stipulate also in behalf of "so many other persons as every of them might make to be furnished and arrayed at the costs and charges of the said lord, for the which the said lord promised them to be good and true lord."—Dugdale, *Baronage*.

[3] They were forbidden by frequent proclamations to enter in this way. "En la cite de Londres, n'en les suburbes, n'en les autres lieus entre la dite citee et le palays de Westminstre ne nul part en le palays."—*Rolls of Parliament*, vol. ii., p. 234.

hand to vindicate the honour of the family they served by shedding the blood of a rival house, and were encouraged to enrich themselves by the plunder which even public opinion considered their proper reward. If these retainers crossed the sea with their lord for a campaign during the war with France, they shared with him all the spoil which they could carry off, and the moneys obtained from the ransom of captives taken in battle—the rank and file had no means to ransom their lives and were usually put to death on the field. Half of the plunder at least taken by these followers was generally claimed by the lord if he had been at the expense of finding a horse on which to mount his retainer, but only a third if the retainer had supplied himself with a horse.[1] This provision made a foreign war popular and prevented the soldier from welcoming a peace which deprived him of these gains. The plate which blazed on the shelves of such successful plunderers as Sir John Fastolfe was a standing incentive to the continuance of war, and a vindication of the rights of inferior partisans to plunder the churches, monasteries, and manor houses of "our natural enemy."[2]

The violence, however, caused by bands of retainers was felt long before the war with France was at an end, though private war naturally provoked less notice whilst the excitement of the war on the Continent between England and France was at its height. If the War of the Roses did not grow out of these private wars, it was continued by them until the battle of Bosworth had destroyed the power of the House of York.[3]

In 1441, the nineteenth year of Henry VI., the inhabitants of the forest of Knaresborough, who had long claimed their right as the king's tenants to come and go from the fair at Ripon without payment of toll, banded themselves together to re-

[1] *Fifth Report of Commission on Historical MSS.*, p. 330; *Tenth Report, ib.*, part iv., p. 226.

[2] For inventory of such articles of plunder, and for the wardrobe of Fastolfe, see *Paston Letters*, part i., pp. 467, 475 (edit. Arber), reprinted from the *Archæologia;* also in *Eighth Report of Commission on Historical MSS.*, vol. i., p. 268.

[3] Hallam's *History of the Middle Ages*, chap. viii., part iii.

sist this payment. Their demands were rejected by Cardinal Kemp, the Archbishop of York, but in place of trying the question in a court of law, the archbishop levied soldiers from Tyndale and Hexhamshire, and from other parts along the borders of Scotland, to garrison his town of Ripon, and to enforce his claims to receive toll. The soldiers quartered here amounted to two hundred men, afterwards reinforced by others from Beverley, Cawood, and York. These were all armed, as a document of the period tells us, "like men of war," with offensive and defensive arms, and "kept the town of Ripon at fair time by night like a town of war . . . so that none of the king's tenants durst come at the town of Ripon." The misdoers and rioters of Knaresborough met the soldiers of Archbishop Kemp to the number of seven hundred men, and resisted this claim to exact toll from them. The archbishop's soldiers had been hired, "taking some sixpence and others twelvepence a day," for the special duty of preventing the foresters from attending the fair unless they had first made payment to the archbishop. In the course of this quarrel some men were maimed, and others were slain outright; and the question of the claim to demand a toll was not a whit nearer settlement. No inquiry was made, it would appear, as to the slaughter of these men who were merely demanding and enforcing their civil rights, or what they considered to be their civil rights. The archbishop's soldiers, however, were not customary retainers, but were hired for the occasion and only summoned for the special work of resisting the attempt of the tenants of the forest of Knaresborough to secure this exemption. That a purely legal question should be argued, not by "apprentices" of the law, but by men "with breastplate, vambrace and rerebrace, greves," and the simplest with "a haubergon or a thick jack upon him," with a "gorgett, and salett, with long spears, lancegayes, and quischers," was an ordinary characteristic of this period of confusion and strife.[1]

[1] The *Plumpton Correspondence* (edit. Stapleton), pp. liv., lvii. (Camd. Soc.).

The letters of the Paston family give us many glimpses of the state of society in Norfolk throughout this century, and they illustrate the powerlessness of the law and the general disregard of the king's authority not only in that county but generally and throughout the whole kingdom. Early in the reign of Henry VI.—in 1424 or 1425—a certain John Grice of Wighton was entertaining a small number of friends, when his house was surrounded by a band of armed men, the doors were broken open, and himself, his son, and his servant were carried off in open day to "a payre of galwes to be hanged." As the murderers were unable to procure ropes for this purpose, they killed their three captives in some other way, and, as the letter from which this account is quoted tells us, "in the most horrible wise that was ever heard spoken of." Their deaths seem to have remained unnoticed by the law for two or three years, and the perpetrators grew bold at the silence of justice. About this time Serjeant Paston, the son of Clement Paston, whose career has been noticed in the previous chapter, had a lucrative practice and was known as a successful barrister. He was living at that time in the city of Norwich, and had acted as counsel for the Prior of Norwich in a suit with a certain Walter Aslake about the advowson of a church, and had obtained a verdict in favour of his client. In revenge for the loss of his suit, and to intimidate Paston from giving his aid in a contemplated appeal for a new trial, Aslake posted bills, "rhymed in part," and containing two words which, as they were in Latin,[1] added additional terror to the threats of Aslake. These bills were set up upon the gates of the city, on the chief churches of Norwich, "and in other places within the said city." In these letters or placards a threat was made that Aslake would murder Paston, and dismember him, his clerks and servants, "as John Grice had been murdered," and hinting that there

[1] "Containing also these two words in Latin *et cetera*, by which words commonly it was understood that the forgers and makers of the said bills imagyned to the said William his clerks and servants more malice and harm than in the said bills was expressed."—*Paston Letters* (edit. Arber), vol. i., p. 13.

were worse things even than these deeds of violence in store for the lawyer. So likely was Aslake to carry out his threats, that neither Paston nor "his clerks and servants" durst venture to ride or walk beyond the gates of Norwich. In his terror, the lawyer made no efforts to appeal to the law which he knew to be powerless to protect him, but endeavoured to enlist the support of the Duke of Norfolk, whose steward he was, and he promised to serve him as his counsel without fee for the time to come if he might thus obtain his protection. In the end, however, Paston, having failed to enlist the good offices of Sir Thomas Erpingham, "a mighty and great supporter of the said Walter against the said William,"[1] was forced to submit to the menaces of Aslake, and the matter was compromised, when Paston, his five clerks and servants, were able again to extend their rambles beyond the gates of Norwich, and Paston, who afterwards rose to eminence as a judge, died in his bed. This incident occurred before the War of the Roses.

The troubles of another member of the same family—John, son of Judge Paston—present us with further graphic pictures of the state of England during the time of comparative peace which intervened between the end of the war with France and the accession of the first king of the Tudor family to the throne. Sir John Fastolfe had invested the gains of his campaigns in France in the purchase of lands in Norfolk and elsewhere, in the building of a castle which more than one of his powerful neighbours looked upon with eyes of covetousness, and in furnishing his house with plate, jewels, and furniture of the latest fashion. Prior to his death he disposed of his manors and houses in various counties, in part for pious uses, in part as a free gift to John Paston, to whom his plate and most of his other chattels were bequeathed. At least this is the conclusion which was come to amid the cloud of perjury characteristic of the close of the fifteenth century, when Fastolfe's will was proved, and the attempt was made to wrest the property from Paston.[2] The sight of his acquisitions seems to have created

[1] *Paston Letters*, vol. i., p. 15.

[2] *Ibid.*, Introduction to vol. ii., p. xxxv., &c. (edit. Arber).

for him a host of enemies. On one side, John de la Pole, Duke of Suffolk, who had married a sister of Edward IV., coveted the manors and manor houses of Hillesden and Drayton, near Norwich, and within sight of Suffolk's house at Cossey; whilst Lord Scales, the brother-in-law of Edward's queen, was preparing to oust Paston from the lordship of Cotton, part of the remaining lands of Sir John Fastolfe, and the powerful Duke of Norfolk longed to possess himself of the castle of Caister, near Yarmouth, which in its magnificence seemed worthy of being the residence of the last of the Mowbrays, and their heirs the Howards. What the courts of law could not do unless they were overawed by the two dukes and the forces which they were able to levy, was attempted by violence with unequal success. In 1465 the Duke of Suffolk gathered a body of five hundred retainers, countenanced and supported by the Mayor of Norwich, and hoped to carry Hillesden and Drayton by surprise. Paston, however, had thrown a force of sixty armed men into Hillesden, and Suffolk was compelled to retire contented with the destruction of the manor lodge. He carried off treasure in a style that would have done credit to a professional housebreaker. In addition to the sheep and oxen in the fields, the plate and kitchen utensils, a store of old clothes, feather beds, and other household goods fell to the share of De la Pole and his retainers. The Duke of Norfolk, however, was more successful than the Duke of Suffolk had been. As Caister, Fastolfe's favourite residence, was well fortified, he laid siege to the house much as its late owner would have done if he were sitting down before a fortress in France. He brought up a force of three thousand men, with a train of artillery drawn from Lynn and the seaboard towns of Norfolk, and also a strong body of crossbowmen, and, having surrounded the castle in due form, summoned its defenders to surrender their charge, and, on their refusal, proceeded to blockade it, and to batter down the walls with artillery. We have still the bulletins which give us an almost daily account of the progress of this siege. Truces were offered and accepted by the garrison, not seeing that these

truces had been insidiously proposed by the Duke of Norfolk in order to exhaust the provisions of the besieged garrison. Gunpowder and arrows—for the old and the new weapons of defence were both in use—began to fail the defenders of Caister, and we soon read that "the place was broken by guns" until a practical breach was almost effected, and the besieged were again called upon to surrender. Paston, who was in London when the news was brought to him, entreated the Duke of Clarence to use his influence with the Duke of Norfolk, and Nevil, the Archbishop of York, was asked by the same belligerent to interfere on his behalf. No suggestion, however, was made of an appeal to the law, nor was anything said about the authority of the king.[1] Caister was at length reduced to extremities; food failed the garrison; arrows were not available for the crossbowmen, and gunpowder fell short, until nothing remained but to surrender. The Duke of Norfolk was anxious to obtain possession of the property with as little injury as could be done, and the terms offered to the garrison were therefore not severe. The besieged were allowed to march out of Caister, house or castle, with their lives and goods, horses and harness, and other property, except guns, crossbows, and quarrels, and all other hostilments. And thus the manor and manor houses became for a time the property of "John, Duke of Norfolk, Earl of Nottingham, of Sussex and Surrey, Marshal of England, Lord Mowbray of Segrave and Bromfield, Constable of the Tower of London, and Knight of the Garter."

The struggle between Sir John Paston and the two Dukes of Suffolk and Norfolk has been dwelt upon because it presents a true picture of the state of the whole country. East Anglia was only one district of England where war on this scale was carried on. Almost every county in the fifteenth century

[1] There is no imputation against the justice of Edward IV. in refusing to be biased by the advocacy of his brother and the brother of the Earl of Warwick. It may, however, be noted that these two were at that moment out of favour with the king, and still more with the queen, from their opposition to the marriage of Edward and Elizabeth Woodville.

was disturbed by a succession of similar contests waged in the same fashion between neighbours and fellow-subjects of the same crown. Nor can the private wars of the period be attributed exclusively to the licence arising out of the War of the Roses. The date of many of these domestic wars of this century forbid this conclusion.

In 1424, Thomas Stanley "the younger," of Liverpool, the father of the first Earl of Derby, was at feud with Sir Richard Molyneux, Lord of Sefton,[1] and we are told that there were a "great number" of riots between these two, for which reason the sheriff of Lancashire was charged to muster the array of the county, and to withstand "the congregation" made by the said Sir Richard Molyneux, whose influence at court was less considerable than that of the house of Stanley, and who, perhaps for that reason, was treated as the transgressor in this quarrel. The sheriff mustered a force of the gentry to accompany him to Liverpool, in order to prevent Stanley from being overpowered by Molyneux, who had collected a body of a thousand men, and was marching on Liverpool with the intention of attacking the force collected by Sir Thomas Stanley. The troop mustered by Sir Richard Molyneux was probably greater in number than that of the townsmen who dwelt in Lancashire at that time. The sheriff, however, who had raised a disciplined force, succeeded in arresting Molyneux before this latter could "slea and beat the said Thomas Stanley." And the battle which might otherwise have taken place on the moor before Liverpool was prevented by the sheriff, who was able to compel one of the disputants to retire to Kenilworth, whilst the other proceeded towards Windsor.

To turn to another direction. In Gloucestershire, Isobel, eldest daughter of Thomas Mowbray, Duke of Norfolk, and wife of James, Earl Berkeley, disputed at law with Margaret, Countess of Shrewsbury, second wife of the great Talbot, for the

[1] Gregson's *Portfolio of Fragments relative to Duchy of Lancaster*, p. 163; Baines' *History of County Palatine and Duchy of Lancaster*, vol. iv., p. 65; Picton's *Memorials of Liverpool*, vol. i., p. 38.

possession of certain manors and farms, formerly part of the property of the Duke of Norfolk, to which both ladies had laid claim. The dispute lasted during the greater part of the fifteenth century, and extended throughout three generations of the two houses concerned in this war, namely from 1421 to 1475. The contest was fought out sometimes in the courts of law, sometimes on the field of battle, and was marked by all the skill of the lawyers of that time and all the cruel atrocities which a period of military licence permitted. The relationship of the disputants whetted their animosity against each other, and against the unfortunate tenants and servants on either side.[1] The Countess of Shrewsbury first appealed to the law, but impatient at the delays of justice, and without awaiting the final decision of the judges, she resorted to the arbitrament of the sword, and having by treachery obtained possession of the castle of Gloucester, seized and imprisoned her relative the Countess of Berkeley, and held her in close confinement until she should yield up her claim to the lands in dispute. So rigorous was the imprisonment of Isobel, that she sank under the hardship and died in her cell on Michaelmas day, 1452. Her warlike rival obtained other sacrifices from Lord Berkeley, under the threat of murdering him in case of his non-compliance with her demands. The people of the county were put to fine and ransom of their goods by the relentless countess, and they that had no goods she caused to be hanged with the utmost cruelty and indignity. The Countess of Shrewsbury died and bequeathed her disputed rights to her grandson, Viscount Lisle, who, to obtain these rights, levied a body of retainers, and advanced in arms to recover them from his relation Lord Berkeley, who still held possession of part of

[1] "The Countess of Shrewsbury's followers having got into the castle and confined Lord Berkeley, this lord's people went to a blind man's house, a tenant of the countess, and robbed the blind man, and finding but little spoil, they took a brand-iron, and set it on the fire till it was glowing hot, and then they took the blind man and would have set him upon it, but he told them where his goods were."—Smith's *Lives of the Berkeleys*, p. 154.

the disputed lands.[1] To defend the lands of which rightly or wrongly he held possession, Lord Berkeley in 1470 drew one thousand men from his tenants and retainers in Bristol, Thornbury, and the Forest of Dean.[2] This force was larger than that which followed the banner of Lord Lisle, who, to spare "the needless effusion of Christian blood," proposed that he and his opponent should meet—not, however, in the law courts at Westminster and before the judges of the king, but in single combat—and thus decide their claims to the lands in dispute. This was agreed to by Lord Berkeley, but when the claimants had arrived at the place of combat, and Lord Lisle had lifted his vizor to arrange some of the preliminaries, an arrow from one of the retainers of the house of Berkeley pierced his brain, and he instantly fell. A battle ensued between the troops of the two lords. In this battle those who served under the banner of Lord Lisle lost one hundred and fifty men. On this Lord Berkeley rode in haste from the field, and having reached Wotton, entered the house of his dead opponent and robbed it of money, deeds, furniture, and other valuables "as a place taken in lawful war," and then retired with his plunder. The widowed viscountess lodged her appeal against Lord Berkeley. Neither side, however, was called to account by the government for these proceedings, and parliament, when it at length intervened, did so not to punish those who had thus broken the law, but to hush up the matter and to compromise the quarrel. To Lord Berkeley and his heirs were assigned the manor and borough of Wotton under Edge, the manors of Symondshall and Erlingham, with their appurtenances in the county of Gloucester, on condition that he

[1] See Collins' *Peerage of England*, articles on "Shrewsbury" and "Beverley," vol. iii. (3rd edit.), and Nicolas' *Historic Peerage of England* (edit. Courthope).

[2] "18 Henry VI., onè David Woodburne, with divers other fellow-servants of John Talbot, Viscount Lisle, son and heir of Margaret, Countess of Shrewsbury, coming to Wotton, served Lord James Berkeley with a *subpœna* for his appearance in the Chancery. The Lord James not only beat the parties, but 'will he, nill he,' enforced the said David to eat the *subpœna*, wax, and parchment."—Smith's *Lives of the Berkeleys*, p. 152.

should pay to the widowed Lady Lisle "during her life one hundred pounds under certain provisions," and so this long law-suit was finally brought to an end.[1] The battle thus disastrous to the cause of Lord Lisle was fought at Nibley Green in Gloucestershire, and is memorable as "the last instance of a pitched battle between two powerful noblemen in England."[2] The Plantagenets were about to pass away and to give place to the Tudors, and "the Tudor government, without half the constitutional liberties of the Lancastrian reigns, possessed a force and cogency, an energy and a decision which was even more necessary than law itself." Incidents such as these, which escape the notice of the general historian, though they are recorded by local chroniclers and are heaped up in the pages of all our county histories, make us doubt whether the lower orders in this country were more debased than their superiors in station. Of one thing, however, we can have no doubt, the virtues we blindly attribute to chivalry were not to be found in the classes where we should have expected to see examples of refinement and courtesy, a regard for duty and lofty self-sacrifice. The people of all ranks had been corrupted by the long and fierce continental and home wars, and by the general disorganization of society, but no class had sunk lower in the scale of morality than the nobility and gentry of this and of the other countries of Europe. In England the worst evils which darkened the reign of Stephen seem to have again become rampant under the weak and divided rules of Henry VI. and Edward IV. The people of almost all classes appear to have broken away from most of the restraints of religion. Sensuality was encouraged by the example of men of station and influence, and private wars raged afresh as they had raged at the earlier period, whilst private revenge showed itself in acts of savage violence which

[1] Dugdale's *Baronage*, vol. i., pp. 362-365; Smith's *Lives of the Berkeleys*, p. 154; Ruders' *Hist. of Gloucestershire*, p. 574; Atkyn's *Hist. of Gloucestershire*, p. 138; Collins' *Peerage*, under "Berkeley"; Rymer's *Fœdera*, vol. xi., p. 655; *Rolls of Par.*, vol. vi., p. 23.

[2] It was fought on March 20th, 1469—9th Edward IV.

prevent us from assigning a higher standard of morality to the fifteenth century than to the twelfth.[1]

The laws against the maintenance of suits, the "taking in hand quarrels other than their own," and the encouragement of litigation in which the plaintiff had no real concern, date from an early period. They are enrolled among the earliest of our statutes. These seem at first to refer chiefly to contentious suits in the law courts, and probably have no necessary connection with the laws which grew out of them, the statutes against unlawful retainers.[2] Acts of parliament, however, which refer to maintenance such as we understand by this term are found among those of the early years of the reign of Edward I.[3] These relate to those persons who are guilty of champertory, that is, who stir up suits in the law courts. It is not until the close of this reign, in 1305, that words occur in an "ordinance concerning conspirators," which seem to anticipate the statutes and action of the executive against "such as retain men in the country with liveries or fees for to maintain their malicious enterprises." Here, indeed, it is evident that something more is aimed at than to check those who retain legal assistance to enable them to carry on legal suits in a court of law.[4] Soon after this time we find great men directed to "void from their retinue, fees, and robes, all such maintainers in the country,"[5] whilst a later act in the same

[1] Allen on the *Royal Prerogative*, p. 122; Stubbs' *Constitutional History of England*, vol. iii., p. 695.

[2] 20 Edward III., cap. iv.

[3] 1 West., 3 Edw. I., cap. xxv., xxviii.; 13 Edw. I., cap. xiii. "Champertors be they that move pleas and suits, or cause to be moved, either by their own procuring or by others, and sue them at their proper costs, for to have part of the land in variance, or part of the gains."—*Statute* 33 *Edward I.*

[4] This seems to follow from the persons enumerated in the statute, "that no pleaders, apprentices, attornies, stewards of great men, bailiffs, nor any other of the realm shall take for maintenance or the like bargain any suit or plea against other, whereby all the realm is much grieved."—*Stat. incert. temp. Edward I.*

[5] 4 Edward III., cap. xi.; 18 Edward III., stat. i., cap. i.; 20 Edward III., stat. i., cap. v., vi., and the Oath of the Justices appended.

reign is directed chiefly against those who endeavour to obtain their object by packing juries to give a verdict in their favour. In the next reign, however, when the sceptre had fallen into the hands of a minor, we find reference to hats and other liveries "distributed to maintain the giver" in all quarrels, be they reasonable or unreasonable,[1] and a direction that "no varlets called yeomen" shall use livery "unless he be menial" of one lord.[2] At this time some persons assumed hats and liveries in order to pass as retainers of lords and great persons, and this was accordingly forbidden.[3] We have rather later a statute which speaks of the effects of this "great maintenance," as preventing retainers from being convicted in the courts of law. The result was perjury among juries and others from a fear of offending those who had a body of retainers at their disposal. To remedy this, an act passed at the close of the reign of Henry VII. directed that offenders, both those who give and those who take liveries unlawfully, may be proceeded against in the King's Bench or in the Star Chamber.[4]

Though complaints of the lawlessness of these retainers had been heard before the commencement of the fifteenth century, yet, whilst the chief members of the nobility were allowed to increase the number of their ordinary followers practically without limit and at their own will, and these noblemen were so powerful as to discourage the king from entering into an open contest with them, it was hardly possible to limit the body of retainers in the service of the smaller landowners, who in many instances were in their turn the retainers of the great peers. Again, so long as the war with France lingered on, it was difficult to apply any practical remedy to the excessive number of retainers in the pay of lords of manors, and especially of the more wealthy and powerful peers. The crown relied upon the large landowners for their contribution

[1] 1 Richard II., cap. vii.

[2] 20 Richard II., cap. ii.; 7 Henry IV., cap. xiv. The term "yeoman" comprehended in the Middle Ages both agriculturists and artisans who were journeymen—day labourers, in short.

[3] 8 Henry VI., cap. iv.

[4] 19 Henry VII., cap. vi., A.D. 1503-4.

of men on any alarm of war, especially on any sudden declaration of hostilities, so that to limit the number of these retainers would be in reality a limitation of the means by which the crown itself could wage war. It was not until the wars with France had in a great measure ceased, at least for a time, and not until the power of the greater peers had been broken by the vigour and ability of the reigning sovereign, that the laws against "maintainers" and "retainers" could be effectually enforced. But to do so required all the administrative skill of Henry VII., all the legal acuteness of his ministers Empson and Dudley, and all the powers of the new or newly constituted Court of the Star Chamber.[1]

Until the coming of the Tudors and the application of these remedial measures, it was especially dangerous to be connected in any way, however humbly, with the administration of the law. In 1453 a petition from the county of York to Henry VI., after reciting a deed of violence in which a priest was compelled, "for fear and doubt of death," to join in marriage the wife of Sir Henry Beaumont with one Lancaster, who had carried her off against her will and in the absence of her husband, tells us, in words which were applicable to other places than Yorkshire, that "the said rioters and misdoers neither fear nor dread the king nor the execution of his laws." We have abundant evidence of the truth of this charge.[2] The vengeance wreaked upon or threatened to a barrister if he chanced to be

[1] On the Star Chamber, see Coke's *Fourth Institute*, chap. v.; Crompton, *L'Authoritie et Jurisdiction des Courts de la Majestie*, pp. 29-41; Blackstone's *Commentaries*, vol. i., p. 230, vol. iii., p. 445, vol. iv., pp. 266, 310, 429, 433, 437; *Collectanea Juridica*, vol. i., pp. 1-239; Sir Matthew Hale, *On the Jurisdiction of the House of Lords* (edit. Hargrave); Hallam's *Constitutional Hist. of England*, vol. i., pp. 50-55, vol. ii., pp. 27-36; Stephen's *Hist. of the Criminal Law*, vol. i.; Bacon's *History of the Reign of Henry VII.*, pp. 63, 64 (first edition).

[2] "Please it youre wyse discretions to considre howe the . . . seid riottours and misdoers feren nor dreden the Kyng our soveraine Lord nor execution of his lawes, nor no thynge pondreth nor weyeth the same, the which is grevous and heynous example."—*Rolls of Parliament*, vol. v., p. 270.

too successful in pleading the cause of his client against a powerful opponent included the clerks who had recorded the judgment of the court or assisted their employer in the preparation of his papers and the elaboration of his arguments.[1] Even the poor process-server, by a piece of grim humour still, it is said, practised occasionally in Connemara, was not only prevented from serving the writ entrusted to him by the king's court, but might be compelled to swallow both the wax and parchment which he bore.[2] Jurors, sworn to return a verdict in accordance with the evidence tendered them, committed wilful perjury, either to avoid the vengeance of powerful or passionate suitors, or to earn a bribe offered by one of the parties as the price of a false verdict. The crown was aware of this failure of the jury system, but had at that time no other means of checking such intimidation and bribery except by the punishment of the jury which had given the questionable verdict, a desperate remedy, which struck at the root of all confidence in the decision of a jury.[3] A sheriff had to endure not only the hostility of the crown, but also the threat of one or both the parties in a suit because, in preserving or restoring the king's peace, the sheriff had trenched upon the right and privilege of peers or gentlemen to wage private war against each other.[4] On the Scottish and Welsh marches, and in Lincolnshire, perhaps because upon the edge of the great fen, danger from the violence of rioters, though common in all

[1] *Paston Letters*, vol. i., p. 12 (Arber's edition).

[2] See *The Merchant and the Friar*, by Sir F. Palgrave, p. 71 (1st edition).

[3] In 1428, a certain John Rogers confessed that he had smuggled wool from Melcomb in Dorsetshire. Upon this, the Council of the Star Chamber laid the confession before the judges, and asked their opinion of a fitting punishment for the offence. As a true verdict from a jury was doubtful, since the judges thought it probable that Rogers would bribe the jurymen into giving an unrighteous acquittal, the judges advised that the accused should be fined, and thus that the money should be intercepted before reaching the jury. In this the Council coincided, and John Rogers was fined 200 marks, and "more if it was thought that he could pay more." —*Proceedings of the Privy Council*, vol. iii., p. 313.

[4] *Ib.*, vol. vi., p. xlii.

parts of the country, was perhaps greater than in many other places in England, and the sheriff on his appointment required and received an indemnity from the crown for the non-performance of some of the duties of his office when prevented by the armed forces of the suitors. Without this he declined to undertake the office which, honourable as it was, was at the same time attended by danger.[1] He refused to act as sheriff unless exempted from the fine, often a very ruinous one, which he incurred should a felon committed to his charge escape from his custody. Sir John Tempest, the sheriff of Lincolnshire, appears to have obtained the indemnity he required. In the disordered state of the country the escape of a prisoner but too frequently occurred without any fault of the sheriff, or the jailers who were his officials. The fine, therefore, of two thousand pounds—a sum equivalent to more than thirty thousand pounds of money of present value—levied on a sheriff who had permitted the escape of a prisoner, was sufficient to make men shrink from the office.[2] Again, it was often beyond the means of the sheriff to maintain an army of retainers numerous enough to cope with those in the service of a powerful nobleman, and yet without doing so he was unable to execute the directions or judgments of the court of law, and he required to be indemnified from the expense of keeping such a retinue.[3]

[1] *Proceedings of the Privy Council*, vol. vi., p. lxxv.

Sir John Stanhope, who had been sheriff of Nottingham and Derby, complains that at his own costs he had to assemble 300 persons to execute the writs of Privy Seal entrusted to him, "because the people is wild" among whom he had to venture.—*Ib.*, p. lxxvi.

[2] This was the fine which Hugh Lowther, who had been appointed in 1455 to the office of sheriff of Cumberland, was directed to pay unless he accepted it. The risk of a prisoner escaping in the neighbourhood of the Scottish Marches was probably greater than elsewhere.—*Ib.*, pp. 271, 272.

[3] See instances of this in *Proceedings of Privy Council*, vol. vi., reign of Henry VI., 1443-1461, preface, p. lxxvi.

NOTE A.

WEIGHT OF CATTLE, ETC.

(*At pages* 156, 171.)

It is difficult to compare the cattle and sheep of the fifteenth century with the same kind of stock now. The present note is but an imperfect contribution towards such comparison. In the Chicago market at the end of 1884, steers under two years old were estimated to weigh 1,331 lbs.; from two to three years old they increased to 1,610 lbs., and from three years and under four to 1,887 lbs. live weight. When dressed for sale the carcases of the same beasts weighed 865 lbs., 1,067 lbs., and 1,275 lbs. respectively (*Chicago Breeders Gazette*). English prize cattle weighed still more than this (*Report of Smithfield Club Show* in *Times*, Jan., 1885). These, however, it ought to be borne in mind, are exceptional weights. At present a fairly fat sheep when alive will weigh 135 lbs., and frequently more than this; when trimmed and dressed for sale 76 lbs. From the neighbourhood of Boroughbridge, a correspondent of great experience writes that the dead weight of cattle in that district averages 45 stone, and sheep 72 lbs., in the latter case with a yield of 7 lbs. of wool. Lambs in Shropshire are sold in the markets 75 lbs. in live weight, 40 when dead. All cattle in England, or intended for the English markets, are grown every year of greater weight and bulk than formerly. In Skye the carcass of a steer two years old is estimated to weigh from 350 lbs. to 400 lbs., and Cheviots two years old from 64 lbs. to 70 lbs. dead weight; the black-faced sheep of the same age a fourth less. This is much the same as in England. The carcases of sheep in Hertfordshire weigh, usually, about 70 lbs. In the old statistical accounts of Scotland, we are told that beeves at Forfar in the middle of the last century weighed only from 16 to 20 stone, or from 224 to 280 lbs. It is not likely that cattle in England in 1500 weighed as much as cattle in 1740 in Forfar. In the middle of the sixteenth century (A.D. 1547), when the pastures of this country had somewhat improved, cattle for the navy weighed rather less than 4 cwt. each (Rogers' *History of Prices and Agriculture*, vol. i., p. 328). If we estimate the ordinary cattle of 1500 at a little more than three-fourths of this weight, and we can hardly allow more than this, we must conclude that beeves weighed, on the average, about 320 lbs. at that time. At the begin-

ning of the next century we learn from the Household Book of Prince Henry, son of James I. (Birch's *Life of Henry, Prince of Wales*, p. 346), the weight and price of beef and mutton supplied to the family of the prince. It is there stated that "an ox should weigh 600 lbs. the four quarters, and commonly cost £9 10*s.* or thereabouts; a mutton should weigh 46 lbs. or 44 lbs., and they cost by the stone 2*s.* 3*d.*, the stone being 8 lbs." These weights and prices are for the best and largest cattle, and show the great rise in the price of meat and the increase in size of the cattle which took place under the improved husbandry of the reign of Elizabeth. The weight of an ox and the price of meat as supplied to the household of Prince Henry were, however, exceptional, and largely beyond what they were even a century after this period (Smith's *Wealth of Nations*, book i., chap. ii., p. 289, 3rd edition). "In the reign of Queen Anne, in 1710, when half the stock of the kingdom were fed on uninclosed commons, the cattle and sheep sold at Smithfield market weighed on an average as follows: Beeves, 370 lbs.; calves, 50 lbs.; sheep, 28 lbs. Now (1795-1800), it may be stated, Beeves, 800 lbs., calves, 148 lbs., sheep, 80 lbs., and lambs, 50 lbs. The increase is principally, if not solely, to be attributed to the improvements which have been effected within the last sixty years, and the feeding of our young stock in good enclosed pastures instead of wastes and commons."—*Report from the Select Committee on the Cultivation of Waste Lands*, 1795. In Bengal, cattle in good condition weigh from 100 lbs. to 150 lbs., the sheep from 25 lbs. to 35 lbs. In Madras they are smaller (Gordon's *Army Hygiene*, p. 45). The English cattle of 1500 would thus be about twice the size of the ox of Bengal. The ploughing of such cattle would necessarily be very superficial, and the meat which they supplied to the market must have been small in quantity and poor in quality. In 1500 the clip of wool was reckoned at 1 lb. or 1½ lbs. in weight; now it ranges from a Sussex ewe at 3½ lbs. to 8 lbs., the usual weight of wool on ordinary sheep. When then we read of the English of the fifteenth century feeding on "large shins of beef" (Froude's *Hist. of England*, chap. i.), it may be well to remember that "large" and "small" are but relative words, and that what a writer of that time might well have called "large shins," for he knew of none larger, we in these days should call "small," because they are so when compared with a modern joint of the same kind.

NOTE B.

THE STATUTE OF LABOURERS.

(*At pages* 219, 239.)

Wages were regulated, and the price at which goods might be sold was settled in the manor court or by the assize of towns before parliament interfered with their adjustment. The copy of the ordinance or act of parliament of the twenty-second year of Edward III., as it stands in the statutes of the realm, was sent by the king to the sheriff of Kent, and is addressed to "William, by the grace of God Archbishop of Canterbury." This name in the old printed copies of the statute, or by whatsoever name it may be called, merely reads "W. Archiepō Cantuarie," which in the Record edition is expanded into "William," but as no one named "William" was seated in the chair of Canterbury for 112 years before the death of Islip in April, 1366, and no archbishop named "William" until about twenty years after, before which acts and ordinances in confirmation of their statutes had been in operation, it is clear that neither in one case nor in the other could William be the right Christian name of the archbishop to whom it was addressed. It is true that thirty-five years before the Black Death raged, and in the previous reign, "Walter," Bishop of Worcester, had been translated to the archbishopric, and that seventeen years after the date of the Black Death William Edington had been nominated in succession to Simon Islip; but as Islip did not die until 1366, and as even then Edington, who was within a few weeks of his own death, refused to be translated to Canterbury, neither of these could have been meant. Since the address to "William, Archbishop of Canterbury," is within brackets, as though no part of the original draft of proclamation, it has been conjectured that this is in its operative part an ordinance of Fitz Ailwine, who was mayor or bailiff of London in the time of Richard I., and that this ordinance, which at first had force only in the city, when adopted by the king was extended to the whole kingdom. When, in 1349, it first appears as a statute or ordinance for regulating the wages of labourers, this distinction between an act of parliament and a royal proclamation was not generally recognized, and this ordinance is clearly a royal proclamation, not a statute of the legislature. It is addressed to the archbishop or to the sheriffs of counties who were "bidden to have it publicly proclaimed in the cities, boroughs, market towns, seaports, and other places within their bailiwicks."

There was a necessity for this variation in what is now the constitutional arrangement as to bills before parliament. The writs for the summoning of parliament had appointed the first day of January, 1349,

as the day for its assembly, but when a great part of the peers had assembled, it was found that sundry of the lords had not yet come, "probably because of the deadly pestilence—*plaga pestilenciæ mortalis*—which had raged from the previous August in most parts of the kingdom." This was stated as the cause why no parliament had assembled between January, 1349, and the same time in the year 1352, or had been only formally assembled in order to be prorogued. On the latter date it was again noted "that sundry of the lords were the same day not come," and parliament again stood adjourned, "for that the king had summoned a parliament in the twenty-second year of his reign, the which he could not end by reason of the great pestilence nor keep any soever by the continuance of the same plague." In the interval, "because the labourers would not do their service," in order that the economical administration of the realm might not come to an end, this proclamation which had the force of law was put forth. This was taken from the before-mentioned assize of the mayor and aldermen of London, and it is stated in the preamble, that since servants will not serve unless they receive excessive wages, the king upon deliberation with the prelates and the nobles and learned men assisting him of their mutual concord ordained:—

1. That every man, bond or free, within the age of threescore years, not living in merchandize, nor exercising any craft, nor having of his own proper lands about whose tillage he may himself occupy, shall take only the wages, livery, &c., which were accustomed to be given in the places where he ought to serve, in the xx year of our reign, or for five or six common years last past, provided that the lords of the said bondmen or land servants shall be preferred before others for their services, and should he neglect so to serve, and it be proved against him or her before the sheriff or constable, the offender shall be committed to gaol until he find security to serve.

2. If any reaper, mower, or other workman leave the service on which he has entered, he shall be imprisoned, and that none under the like pain shall receive or retain such workman.

3. That no man pay or promise to pay any tenant any more wages than he had been accustomed to pay, and that if any workman or servant demand or receive the same, he shall pay double and be prosecuted in the court of the manor of the same place where he shall serve.

4. If a lord so promise to give more wages than was wont, he shall be fined treble of the sum promised, and he shall not be bound by any covenant so made to pay what is demanded.

5. The provision of this law is extended to saddlers, skinners, masons, tilers, cordwainers, tailors, smiths, carpenters, shipwrights, and other labourers employed in agriculture and manual labour.

6. That butchers, fishmongers, hostelers, bakers, and such like trades shall be bound to sell at a reasonable price, to be decided on by the mayors, bailiffs, and other authorities where they live.

7. That sturdy beggars, *validi mendicantes*, who refuse to labour, and give

themselves over to idleness, and sometimes to theft and other abominations, "shall not receive any alms," given under the colour of pity, upon pain of imprisonment, so that thereby they may be compelled to labour for their necessary living.

A supplemental proclamation, addressed to the Bishop of Winchester, the chancellor, and to other of the bishops and to the keeper of the spiritualties of Canterbury, *sede vacante*, requires attention to the provision of this proclamation or statute, and they are directed to see that stipendiary curates perform the duties of their office at the same rate or salary, "under pain of suspension and interdict."

Two years after the first statute or proclamation of 1349 an act of parliament was passed to confirm its provision. In this we learn that a commission had been appointed to punish all who offended against the act of two years previous by receiving any excess of wages, or to landlords promising to pay such excess.

In 1357 the statute of labourers was extended to include the labourers of the city and suburbs of London, and also those of the Cinque Ports, as well as all who claimed exemption under special franchises.

By an act passed in 1360 the labourer and other workmen had no longer an option as to the payment of a fine, but were to be punished by imprisonment until they should "justify themselves." It abolished also all covenants of the nature of a trades' union between "masons and carpenters," and compelled them to do all manual acts, the mason to cut the freestone which he was about to work up, and the carpenter to roughhew the log he was to make use of. This seems to have been passed in order to check the neglect of the workman in the preparation of his materials, and to discourage the frauds practised in the building trade. By a subsequent chapter in this act the labourers who should "absent themselves out of their service in another town or county," might be outlawed, and when taken might "be burnt in the forehead with an iron made and formed to this letter F, in token of falsity, if the party grieved the same will sue," and that no labourers, servants, nor artificers shall take any manner of wages on the festival days.

By an act passed within the next two years the fines paid by labourers who do not fulfil their obligations according to previous statutes, were no longer to be paid into an "account at the exchequer," but "to be levied for the use of the commons, and distributed betwixt them," instead of to the lords of manors, as provided for in a former act.

In the following reign it was provided that no "artificer, labourer, servant, nor victualler, man nor woman, should travel out of the hundred, rape, or wapentake where he is dwelling," without a letter patent under the king's seal, stating why he or she is wandering, and that the term for which he or she had been hired has been completed. Otherwise the offender might be put in a pair of stocks, which was to be provided in every town, and that the craftsmen, servants, and apprentices in the employment of any tradesman whose occupation is of a kind "that a man hath no great

need in harvest time," may be taken and compelled at such a period to work in the fields at the rate allowed to be given. The giver and taker of higher wages is to "pay the value of the excess." At the second time of such attaint he is to pay the double value of such excess, and at the third time to pay treble the value of such excess, and if the taker so attainted have nothing to pay, he shall have forty days' imprisonment.

In the next chapter it is ordained if any person, girl or boy, shall have served at husbandry "at the plough and cart" till the age of twelve, that "from thenceforth they shall abide at the same labour without being put to any mystery or handicraft." "And that if any man do retain any one to be an apprentice, contrary to the forms of the statute of 12 Ric. II., cap. 5, that retainer shall forfeit ten pounds."

A labourer was not to receive payment by the week, inasmuch as there might be a holiday comprised within that time, and he was to receive no wages at such a time, nor might he take any payment for work on the eves of other days, such as the eves of saints' days, nor for the afternoons of Saturdays. If he did so, he was "to pay to the king for every time that he did so" twenty shillings, a sum equivalent in money of the present value to wellnigh twenty pounds. Once in every year, or, as one statute says, twice in every year, all labourers "and their masters" were to take an oath that since that time in the previous year they had not transgressed these statutes—a law which must have been fertile in the promotion of perjury.

These statutes were added to and repeatedly confirmed during the remainder of the fourteenth century and for the whole of the fifteenth century, and when confirmed or supplemented they were mostly increased in rigour. The chief alteration as they affected the labourer or craftsman was, that whatever might be the rate of payment expressed by these statutes, he might be compelled to accept of a sum below that which was indicated; if in any place a smaller payment had been made in the past, he was bound to accept less when less had been wont to be given in the twentieth year of the reign of Edward III., a provision which might probably greatly diminish the sum stipulated to be paid for a day's work; whilst the lords of manors and the farmers in general had moreover the option of paying their tenants and hired labourers for their services by a corn instead of a money payment, so that when corn was at a high price the labourer's wages were hardly sufficient to buy the necessaries of life, and when corn was low he was defrauded of that which would enable him to provide for a time of need. Complaints also arose that the landlords not only paid in corn when it was low, but that they also sometimes paid in inferior, mildewed, and damaged wheat or rye, by which the health of their tenants and labourers was injured, and that many of them had died in consequence. In a time even of local scarcity, which was common almost throughout the whole of the Middle Ages, when bad roads greatly enhanced the cost of carriage, such deaths were of frequent occurrence.

Justices of the peace were appointed to see that these statutes were

rigidly enforced, and they were allowed to "make proclamation by their discretion" for how much lower all labourers, craftsmen, and artificers, working by the day, "might be compelled to work," because that this punishment is too hard upon the masters of such servants, forasmuch as they shall be destitute of servants if they should not pass the ordinances of the statute."

The earlier of these statutes had provided that the giver as well as the taker of these excessive wages should be fined and otherwise punished. It was enacted a very few years after this statute had been passed (1416) that for giving a larger sum than the statute permitted only the labourers who received, and not the lord who gave the excessive wages, should be punished; and that the lord who had promised higher wages was to be exempt from the fulfilment of this promise. This act was, however, repealed by a statute of Henry VI.

This policy was reversed by the 39th Elizabeth, chap. 12, sect. 4, in which it was enacted "that every person and persons shall be bound to observe the said rates in giving and receiving wages." This was confirmed by 1 Jac. I., chap. 6, sect. 1, and was extended to weavers, spinners, and clothiers.

The reason which called for these acts of parliament is stated to have been because "a great part of the people, and especially of workmen and servants, had late died of the pestilence," and that many who had availed themselves of the "necessities of masters and the great scarcity of servants will not serve unless they may receive excessive wages." It then provides that the wages paid six years before shall, with important exceptions, be used as the standard of future payments; but in going back these years it is evident that some other reason for the increase of wages must have occurred beyond the loss of life caused by one year of pestilence, between August, 1348, and the same period in the following year, however great this may have been. The price of labour had been rising throughout the century from what were considered natural causes, of which one was the diminution of the population caused by the pestilence, and the demands of the war with France and Scotland, and the unsanitary condition of the people. A glance at the payments for labour throughout this century will prove this.

In successive acts of parliament the wages of various labourers and craftsmen had been fixed, so far indeed as they could be fixed, as follows :—

Haymakers, women and children, 1*d.* daily; mowers, 5*d.* daily; reapers of corn, for first week in August, 2*d.*; for the second and successive weeks, 3*d.* daily, without food; threshers, 2*d.* per quarter of wheat. Payments, however, were made as follows :—

Threshers throughout the century, 2*d.* to 2½*d.* daily. Once or twice it reached 3*d.*; and, in the year 1349, 4½*d.*, but it varied from local circumstances. When wheat rose up to 3¼*d.* in the South of England, it was still 2½*d.* in the West. In 1349, the year of the Black Death, the threshing of wheat reached, per quarter, 5½*d.*; in 1350 and 1351 it was 4½*d.*; in 1352 it

sank to 4*d.*; in 1354—1356 it fell as low as 2½*d.* It rose whilst the country was influenced by this pestilence, and fell immediately after. The rise in the price of labour was hardly at any time to be condemned as "excessive," unless indeed, in defiance of statutes and justices of the peace to enforce them, the payments exceeded the sum settled by these acts of parliament.

In 1259, one hundred years before the Black Death, wheat sold at 5*s.* 9¾*d.*, barley at 3*s.* 5¼*d.*, drage at 3*s.* 2*d.*, oats at 1*s.* 8*d.*, and rye at 2*s.* per quarter; in 1260, wheat sold at 4*s.* 9*d.*, oats at 1*s.* 6½*d.* per quarter; in 1270, wheat was quoted at 6*s.* 4⅛*d.*, barley at 4*s.* 0½*d.*, oats at 2*s.* 3¼*d.*, and rye at 4*s.* 11⅜*d.*; in 1280, wheat sold at 4*s.* 11⅞*d.*, barley at 3*s.* 6¾*d.*, drage at 2*s.* 8*d.*, oats at 2*s.* 4⅜*d.*, and rye at 3*s.* 8⅛*d.*; in 1290, wheat sold at 6*s.* 5½*d.*, barley 4*s.* 5⅝*d.*, drage 3*s.*, oats 2*s.* 6¾*d.*, and rye 5*s.* 7⅜*d.*; in 1300, wheat sold at 4*s.* 9*d.*, barley at 3*s.* 8½*d.*, drage at 2*s.* 5¼*d.*, oats at 1*s.* 11⅜*d.*, and rye at 3*s.* 6⅝*d.*; in 1310, wheat stood at 7*s.* 0½*d.*; in 1320 it had sunk to 6*s.* 5*d.*; had risen in 1330 to 7*s.* 2¼*d.*, and had sunk in 1340 to 3*s.* 6½*d.*, was in 1348 at 4*s.* 2*d.*, and in 1349 at 5*s.* 5⅝*d.*; in 1350, the year after the Black Death, it had risen to 8*s.* 3⅛*d.*; in 1351, at 10*s.* 2½*d.*; from 1350 wheat continued dear until 1375, when it had fallen to 7*s.* 9⅛*d.*; in 1380 it was sold at 6*s.* 2⅞*d.*, in 1390 at 8*s.* 9*d.*, and in 1400 at 7*s.* 11⅛*d.* per quarter, and other grain in proportion to the price of wheat. Add to this the option given to the landlords of paying their labourers in corn instead of by money, and the reduction which a justice of the peace had the power of making "according to his discretion," "if less had been wont to be given," and it will be apparent that the lot of the labourers and artificers was, in the nature of things, a hard one.[1]

Master carpenters and masons received 4*d.* daily; their workmen, 1½*d.*, 2*d.*, or 3*d.*, "as they be worth;" tilers, 3*d.*, and their knaves, 1½*d.*; plasterers and workers in mud walls, without meat, 3½*d.* to 5*d.*

In 1263, the average price of labour to all carpenters was 3½*d.*, in 1380 it had sunk to 2*d.*; in 1390 it had risen to 2½*d.*; a mason at Oxford, where large building works were in progress, only received 4*d.*; in 1300, master carpenters 4*d.*, masons 3*d.*; in 1310, master carpenters received 4*d.*, masons 4⅓*d.*, tilers 4*d.*; in 1320, master carpenters received 5*d.*, masons 4*d.*; in 1330, carpenters 4¼*d.*, masons 4½*d.*; in 1340, carpenters 5*d.*, masons 3¼*d.*; in 1350, carpenters 7*d.*, masons 3*d.*; in 1360, carpenters 5*d.*, masons 5*d.*; in 1370, carpenters 6*d.*, tilers 5*d.*; in 1380, carpenters 5*d.*; in 1390, carpenters 6⅜*d.*, masons 8*d.*, tilers 6*d.*; in 1400, carpenters 6*d.*, masons 4¼*d.* See Rogers' *History of Agriculture and Prices*, vol. ii., and *Statutes of the Realm*, various statutes on labourers. See also Ruggles' *History of the Poor*, ed. 1793; Sir F. Morton Eden's *State of the Poor*, four vols.; and, for a later period, Roberts' *Social History of the Southern Counties of England*, and *Quarter Sessions from Queen Elizabeth to Queen Anne*, by E. H. A. Hamilton.

[1] Rogers' *History of Agriculture and Prices*, vol. i., p. 288.

NOTE C.

ALLOWANCE OF FOOD FOR FARM SERVANTS.

(*At page* 221.)

The payments to farm servants consisted chiefly of corn and beans, of cheese, and sometimes of salt meat. In the accounts of the manor of Launton, in Oxfordshire, which belonged to the abbey of Westminster, the allowance, in addition to the money payment, was thus apportioned towards the end of the thirteenth century :—

The servants regularly employed were seven ; these were exclusive of the reeve. The same number of seven were in addition employed at stated seasons of the year as extra hands. The reeve, who was generally a monk from Westminster, superintended the whole of the work on the manor ;[1] the upper servant, called usually the serving-man or sergeant ; under whom were one carter, two ploughmen, one cowherd or oxherd, one shepherd, one dairywoman and an occasional assistant, two sowers in spring and autumn, one swineherd, and sometimes one assistant shepherd in spring and autumn, one carter, one extra labourer for pitching and loading in harvest time, one dairy assistant in summer.

The reeve had one virgate of land rent free, one and a half quarters of wheat, one and a half quarters of rye, three bushels of beans for porridge, three quarters of oats for oatmeal, three pigs, and six cheeses. In addition, at harvest-time he received two bushels of wheat, beer to the value of ten pence, a ham and a cheese at Christmas and Easter.

The upper servant received, in addition to a small money payment, five and a half quarters of wheat. The carter, two ploughmen, and one shepherd each had one and a half quarters and one bushel of wheat, three quarters of rye, one quarter and one bushel of beans. The shepherd also received one lamb at lambing time ; the cow- or oxherd, one quarter and one bushel of wheat, two quarters and two bushels of rye, and five bushels of beans ; the dairywoman, seven bushels of wheat, one and a half quarters of rye, five bushels of beans, and one cheese value fourpence ; the swineherd, a half quarter of wheat, one quarter of rye, two bushels of beans ; the summer shepherd, a half quarter of wheat, half a quarter of rye, two bushels of beans ; the second carter, two bushels of wheat, three bushels of rye, two bushels of beans. The occasional help required—the second dairywoman, the sowers, and the labourers employed in pitching and loading—seem to have received a money payment only.—Blomfield's *History of Launton*, MS.

[1] Morgan's *England under the Normans*, pp. 92-96 ; Rogers' *History of Agriculture and Prices*, vol. i., pp. 286-289.

NOTE D.

(*At page* 247.)

[Letter addressed by the Vicar of Quinton to Richard Mayhew, President of Magdalen College, Oxford. As Mayhew was college president from 1480 to 1504, when he became Bishop of Hereford, and as the letter was written after the death of Bishop Waynflete, August the eleventh, 1486, the letter though undated must have been written between 1486 and 1504. It is here printed with the permission of the college authorities. The original letter will be found in the archives of Magdalen College. Quinton MSS., No. 60.]

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Rygth wyrschypfull s*er* I reco*mm*aunde me vnto yowe desyryng and prayng yowe in god tend*er*ly to remembur the welfare of owr*e* cherch of quynton and the supportacion of owr*e* poer towne qwych fallys fast in decay and ner*e* to the poynt of destruccion except ye stand goud lord and turne more fauorable to yowr*e* tenant*s* for yowr*e* howsynge gose downe, xx marke wyll nott sett vp ayeyn that ys fallyn w*ith*in thys iiij yere, and as long as ye kepe thys way to lett yowr*e* lordschyp to one mane[1] to p*re*ferr*e* hym & he to kepe vnd*er* yowr*e* tenant*s* and haue all the vayle and thay the burdyn wyll ther*e* non tenants come to the towne and more ouer*e* thes ij ploys that ye haue, there be no moo bott the fre ald*er* they wyll nott falow and M. rose[2] ocupy styll as they say. I remembur s*er* that ye sayd my lord byschope in hys last days and allso yower Mayst*er*schyp syn my lord desessyd dyd stand in man*er* of a wauer*e*yng mynd wethere it wer*e* mor*e* expedient to the welfar*e* of yowr place to haue one mane to yowr*e* tenant or the tenant*s* of the towne s*er* sauyng yowr reu*er*ence and yowr descrecion aftur my sympull reson me thynk it is mor meritory to support and succur a comynte[3] then one mane, yowre tenan(ts) rather*e* then a stronge man, the pore and the innocent for[4] a gentylman or a gentylmans man, nott wytth standdyng p*er*auentur ye thynke yff thys way be mor*e* meritory the other*e* way wald be more vayle to yowr*e* place in so mych as they wyll gyff more then yowr tenant*s* for mane men wyll ley owt mor*e* to kepe vnd*er* the pore th(en) for to helpe thaym. s*er* it may be thowgth so for a sesyn bott in long space I thynke for dyu*er*s co*n*syderacions it were bett*er* to lett the tenante*s* haue it, one is thys ther as ye be wyrschypfull men of saddnes in yowr*e* place and dyuynes[5] yff ye suld support a syngler*e* man to dryue yowr tenants owt and lett downe yowr*e* tenandres as they doo and destroy the cherch & the towne for a lytyll vayle to yowre place it walld be grettly spokyn of that ye suld be in fecth w*ith* couetyse amang men of wyrschype & other co*mm*enty, and allso a

[1] man. [2] Rose. [3] community. [4] instead of [5] divines.

ensampylle to lay pepulle to cast down towns, another consyderacion is thys yff the towne were replenyscht with tenants the cherch sulde the better be support, the personage better in tythys oblacions & many thyngs, the pore pepull better releuyd, and allso a veyle to yowre place wat in aryotts[1] fynes & sutth[2] of cowrte were now yowr farmor takes in & lettes at hys wylle with owt fyne or aryott to yowe. Sere I vnderstand that yowre Mayster schypp walld nowe at[3] the thenants suld haue it, bott I meruell grettly that ye styke so sore to make thaym to gyffe more then othere men hase gyffyn afore consydering that a man that kepys non howsalld a pon itt bott brynges all to the peny and no tenante fare better for hym may better pay than he that kepys a hows, wer fore I beseche yowe to schewe yowre tenants fauore & lett thaym hafe it for xxx[li]. and I sall gyff yow to yowr plesure lyerd[4] my horse And there as ye desyryd me to take a part thereof I wyll for yowre plesur and the wellfare of my neghburs to sett thaym in a rowlle putt me selfe in dawnger and tyll more trobyll and yff it plese yowe to take my way there as is bott iij ploys (i)n the (to)wne nowe by thys daye ij yere there sall be viij with the grace of god, and the lordschyp to be deuyded equale amange thos viij and wether ye wyll that thes viij be takers togeder or ye wyll *that* I and iij of thaym or ij or j sall answere yowe it sall be aftur yowre plesure &c now benedicite I wyll schewe yow nowe wat ways is takyn in this mater here sythyn the stuerd was here. I schewyd to hym at that tyme watt labor was made afor as I suppose he hafe schewd to yowe for qwych I was schent sone aftur. Ser syn that tyme M rose brake to iij men of ouer quynton[5] and to william hewchyn[6] *that* he wald no more occupy and seyd yff thay wald gyffe hym a plesure wych was nott namyd and do after hym he wald bryng thayme in. they a gred vntylle hym and so a pon thys poyntment he charge thaym and made one of thayme swer that thay sulde nott telle me, and so he bad thaym that ij of thaym suld cume to yowe bott no wyse speke of hym nor lett yowe wytt that he wyst of thayr commyng More ouer vnder thys george colchester[7] farmore of the personage and he hase had ij or iij communicacion and aitther they be at a poynt or elles rygth nere that the sayd george salle enter on hys weete that ys sawn and saw *the* peyse & barly enter to gres and all thynges and vtterly he to be dischargyd and he so to make hym sure of termys in the same and he to gyff hym a certen money for M rose says that ye haue mad to hym sych promes that ye salle sett it to no mane excepte he be a greed with all and elles I wald hafe ben with yowre Mayster schypp or thys tyme I suppose ye sall here of thaym schortly for thys mater and perauenture they wylle say to yowe that yowre tenantes salle hafe parte there in to thay may be sure there off. bott I pray yowe Mayster to be nott to hasty to graunt hym nor none othere vnto the tyme that yowre tenants for sake it. M rose wyll go hens schortly I suppose be hys doynge for M coksay[8] louys hym nott thay be

[1] heriots. [2] suits. [3] that. [4] my grey horse. [5] Quinton.
[6] William Hewchyn. [7] George Colchester. [8] M. Coksay.

owt nowe, allso I be seche yowe that ye make no chalyns to M coksay for hewchy*n* yowr*e* tenante for yff ye dow both he and I sall haue ylle rest*e* ther*e* for*e* ther*e* wyll be lytylle remedy for thay dyd offer*e* it to hym or he desyryd any and they p*ro*mysyd to kepe it conselle and so at the reu*er*ance of god I be seche yowe lett it be conselle. allso M rose knaws welle that my wyll ys that yff any money suld be gyff for the entre ye suld hafe it and ther*e* for*e* he chargys yche man fro me yett they tell me p*re*uely Ser I wrytt thys in concell*e* and so I be seche yowe that it may be kepyd les *that* I be blamed for my good wyll and owr*e* lord p*reser*ue yowe and gyff yowe g*ra*ce to take th best way her*e* in. yowr*e* owne the vicar of quy*n*ton

Wryty*n* in hast at quynton vij° die Januar*ius* (*sic*).

(Superscribed on the back :)

To the rygth wyrschypfull Mayst*er* doctor Mayewe p*re*sident of Mawdlyn colege in oxford.

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